

1 A bill to be entitled
2 An act relating to transportation; amending s. 120.80,
3 F.S., relating to rulemaking; exempting the adjustment of
4 tolls under specified provisions from provisions requiring
5 a statement of estimated regulatory costs and a
6 requirement for legislative ratification; amending s.
7 316.091, F.S.; prohibiting use of human-powered vehicles
8 on limited access highways and bridges; requiring the
9 Department of Transportation to establish a pilot program
10 to open certain limited access highways and bridges to
11 bicycles and other human-powered vehicles; providing
12 requirements for the pilot program; authorizing the
13 department to continue or expand the program after the end
14 of the pilot period; requiring a report to the Governor
15 and the Legislature; amending s. 316.302, F.S.; exempting
16 operators of farm labor vehicles from certain safety
17 regulations under certain circumstances; amending s.
18 331.303, F.S.; defining "spaceport launch support
19 facilities"; amending s. 334.03, F.S.; revising
20 definitions for purposes of the Florida Transportation
21 Code; amending s. 334.044, F.S.; revising the powers and
22 duties of the department relating to jurisdictional
23 responsibility and designating facilities; revising the
24 types of transportation projects for which landscaping
25 materials must be purchased; limiting the amount of funds
26 that may be allocated for such purchases; revising the
27 department's duties related to agreements with Space
28 Florida; amending s. 334.047, F.S.; removing a provision

29 prohibiting the department from establishing a maximum
30 number of miles of urban principal arterial roads within a
31 district or county; amending s. 336.021, F.S.; revising
32 the date when imposition of the ninth-cent fuel tax is to
33 be levied; amending s. 336.025, F.S.; revising the dates
34 when impositions or rate changes of the local option fuel
35 tax are to be levied and when counties must notify the
36 Department of Revenue of such rates or rate changes;
37 revising the definition of "transportation expenditures";
38 amending s. 337.111, F.S.; providing additional forms of
39 security for the cost of removal of monuments or memorials
40 or modifications to an installation site at highway rest
41 areas; removing a provision requiring renewal of a bond;
42 amending ss. 337.403 and 337.404, F.S.; revising
43 provisions for alleviation of interference with a public
44 road or publically owned rail corridor caused by a utility
45 facility; requiring the utility owner to initiate and
46 complete the work necessary within a certain time period;
47 providing for notice to the utility; revising provisions
48 for payment of costs; revising provisions for completion
49 of work when the utility owner does not perform the work;
50 amending s. 337.408, F.S.; revising provisions for certain
51 facilities installed within the right-of-way limits of
52 roads; requiring counties and municipalities to indemnify
53 the department from certain claims relating to the
54 installation, removal, or relocation of a noncompliant
55 bench or shelter; authorizing the department to direct a
56 county or municipality to remove or relocate a bus stop,

57 | bench, transit shelter, waste disposal receptacle, public
58 | pay telephone, or modular news rack that is not in
59 | compliance with applicable laws or rules; directing the
60 | department to remove or relocate such installation and
61 | charge the cost to the county or municipality; authorizing
62 | the department to deduct the cost from funding available
63 | to the municipality or county from the department;
64 | removing a provision for the replacement of an unusable
65 | transit bus bench that was in service before a certain
66 | date; revising the title of chapter 338, F.S.; repealing
67 | s. 338.001, F.S., relating to provisions for the Florida
68 | Intrastate Highway System Plan; amending s. 338.01, F.S.;
69 | including authority of the department in provisions for
70 | the establishment of limited access facilities; amending
71 | s. 339.155, F.S.; revising provisions for statewide
72 | transportation planning by the department; providing for
73 | federally required transportation planning factors;
74 | revising provisions for the Florida Transportation Plan;
75 | removing requirements that the plan include a long-range
76 | component and a short-range component; removing certain
77 | reporting requirements; revising requirements for public
78 | participation in the planning process; amending s.
79 | 339.175, F.S.; providing that representatives of the
80 | department shall serve as nonvoting advisers to a
81 | metropolitan planning organization; authorizing the
82 | appointment of additional nonvoting advisers; amending s.
83 | 339.63, F.S.; providing for inclusion of certain access
84 | facilities in the Strategic Intermodal System and the

85 Emerging Strategic Intermodal System; amending s. 339.64,
86 F.S.; revising provisions for development of the Strategic
87 Intermodal System Plan; removing the Statewide Intermodal
88 Transportation Advisory Council; creating s. 339.65, F.S.;
89 providing for the department to plan and develop Strategic
90 Intermodal System highway corridors; providing for
91 allocations of funds on a specified basis; providing for
92 corridor projects to be included in the department's
93 adopted work program and changes to be a separate part of
94 the tentative work program; amending s. 341.302, F.S.;
95 providing for construction of safety measures along
96 passenger rail corridors and improvements at intermodal
97 stations; amending s. 348.0003, F.S.; revising financial
98 disclosure requirements for certain transportation
99 authorities; amending s. 349.03, F.S.; providing for
100 financial disclosure requirements for the Jacksonville
101 Transportation Authority; amending s. 349.04, F.S.;
102 providing that the Jacksonville Transportation Authority
103 may conduct meetings and workshops using communications
104 media technology; providing that certain actions may not
105 be taken unless a quorum is present in person; providing
106 that members must be physically present to vote on any
107 item; amending s. 373.413, F.S.; providing legislative
108 intent regarding flexibility in the permitting of
109 stormwater management systems; requiring the cost of
110 stormwater treatment for a transportation project to be
111 balanced with benefits to the public; absolving the
112 Department of Transportation of responsibility for the

113 abatement of pollutants entering its stormwater facilities
114 from offsite sources and from updating permits for
115 adjacent lands impacted by right-of-way acquisition;
116 authorizing the water management districts and the
117 Department of Environmental Protection to adopt rules;
118 creating s. 479.075, F.S.; defining the terms "sign" and
119 "sign permit fee"; establishing limitations on fees
120 charged for sign permits; requiring a fee schedule to be
121 based on actual costs; providing that the fee may not
122 exceed certain costs; requiring the local government
123 maintain information to justify certain costs; providing
124 that specified provisions do not apply to certain signs;
125 providing for effect with respect to any agreement,
126 resolution, or ordinance; requiring removal of a sign to
127 adhere to specified provisions; amending s. 479.106, F.S.;
128 revising requirements for an application for a permit to
129 remove, cut, or trim trees or vegetation around a sign;
130 requiring that the application include a vegetation
131 management plan, a mitigation contribution to a trust
132 fund, or a combination of both; providing certain
133 evaluation criteria; providing criteria for the use of
134 herbicides; providing a time limit within which the
135 Department of Transportation must act; providing that the
136 permit is valid for 5 years; providing for an extension of
137 the permit; reducing the number of nonconforming signs
138 that must be removed before a permit may be issued for
139 certain signs; providing criteria for view zones;
140 requiring the department to provide notice to the sign

141 owner of beautification projects or vegetation planting;
142 amending s. 28, ch. 2008-174, Laws of Florida; revising
143 the expiration of a pilot program that authorizes the Palm
144 Beach County school district to recognize its business
145 partners by displaying such business partners' names on
146 school district property in unincorporated areas;
147 designating Edna S. Hargrett-Thrower Avenue in Orange
148 County; designating SP4 Thomas Berry Corbin Memorial
149 Highway and U.S. Navy BMC Samuel Calhoun Chavous, Jr.
150 Memorial Highway in Dixie County; designating Marine Lance
151 Corporal Brian R. Buesing Memorial Highway, United States
152 Army Sergeant Karl A. Campbell Memorial Highway, and U.S.
153 Army SPC James A. Page Memorial Highway in Levy County;
154 designating Veterans Memorial Highway in Putnam County;
155 designating Ben G. Watts Highway in Washington County;
156 designating Mardi Gras Way, West Park Boulevard, and
157 Pembroke Park Boulevard in Broward County; designating
158 Stark Memorial Drive and Duval County Law Enforcement
159 Memorial Overpass in Duval County; designating Verna Bell
160 Way in Nassau County; designating Deputy Hal P. Croft and
161 Deputy Ronald Jackson Memorial Highway in Union County;
162 designating Dr. Oscar Elias Biscet Boulevard in Miami-Dade
163 County; designating Alma Lee Loy Bridge in Indian River
164 County; amending ss. 24 and 45, ch. 2010-230, Laws of
165 Florida; revising the designation for Miss Lillie Williams
166 Boulevard and Father Gerard Jean-Juste Street in Miami-
167 Dade County; directing the Department of Transportation to
168 erect suitable markers; amending ss. 163.3180, 288.063,

169 311.07, 311.09, 316.2122, 316.515, 336.01, 338.222,
170 338.223, 338.2275, 338.228, 339.2819, 339.285, 341.8225,
171 479.01, 479.07, and 479.261, F.S., relating to
172 transportation concurrency, contracts, port facilities,
173 Florida Seaport Transportation and Economic Development
174 Council, low-speed vehicles and mini trucks, width and
175 height limitations, the county road system, turnpike
176 projects, revenue bonds, Transportation Regional Incentive
177 Program, Enhanced Bridge Program for Sustainable
178 Transportation, high-speed rail projects, outdoor
179 advertising, sign permits, and the Logo sign program,
180 respectively; revising cross-references; amending ss.
181 163.3187, 318.12, 335.02, 338.227, 338.234, 339.62,
182 341.053, and 403.7211, F.S., relating to comprehensive
183 plans, traffic infractions, standards for lanes, services
184 related to the financing of projects, concessions along
185 the turnpike, components of the Strategic Intermodal
186 System, Intermodal Development Program, and hazardous
187 waste facilities, respectively; revising references to
188 conform to the incorporation of the Florida Intrastate
189 Highway System into the Strategic Intermodal System and to
190 changes made by the act; amending s. 20.23, F.S.;
191 providing that the Florida Statewide Passenger Rail
192 Commission has the primary and exclusive authority to
193 monitor certain designated functions related to passenger
194 rail systems; removing from the Florida Transportation
195 Commission the responsibility and duty to monitor the
196 efficiency, productivity, and management of all publicly

197 funded passenger rail systems in the state; amending s.
 198 311.09, F.S.; providing that Citrus County may apply for a
 199 grant for a feasibility study through the Florida Seaport
 200 Transportation and Economic Development Council; providing
 201 for the evaluation of the application; requiring the
 202 Department of Transportation to include the study in its
 203 budget request under certain circumstances; amending s.
 204 212.055, F.S.; requiring counties to revise, as necessary,
 205 any interlocal agreements entered into with municipalities
 206 for the distribution of proceeds of the discretionary
 207 sales surcharge in order that newly participating
 208 municipalities may receive a share of the distribution;
 209 specifying conditions by which a municipality may receive
 210 a distribution of the sales surcharge; amending s.
 211 316.613, F.S.; providing an exception for certain for-hire
 212 passenger vehicles from provisions requiring the use of
 213 child restraint devices in motor vehicles; providing
 214 effective dates.

215
 216 Be It Enacted by the Legislature of the State of Florida:

217
 218 Section 1. Subsection (17) is added to section 120.80,
 219 Florida Statutes, to read:

220 120.80 Exceptions and special requirements; agencies.—

221 (17) DEPARTMENT OF TRANSPORTATION.—Sections 120.54(3)(b)
 222 and 120.541 do not apply to the adjustment of tolls pursuant to
 223 s. 338.165(3).

224 Section 2. Subsection (4) of section 316.091, Florida
 225 Statutes, is amended, present subsection (5) of that section is
 226 renumbered as subsection (6), and a new subsection (5) is added
 227 to that section, to read:

228 316.091 Limited access facilities; interstate highways;
 229 use restricted.—

230 (4) No person shall operate a bicycle or other human-
 231 powered vehicle on the roadway or along the shoulder of a
 232 limited access highway, including bridges, unless official signs
 233 and a designated marked bicycle lane are present at the entrance
 234 of the section of highway indicating that such use is permitted
 235 pursuant to a pilot program of the Department of Transportation
 236 an interstate highway.

237 (5) The Department of Transportation shall establish a 2-
 238 year pilot program, in three separate urban areas, in which it
 239 shall erect signs and designate marked bicycle lanes indicating
 240 highway approaches and bridge segments of limited access
 241 highways as open to use by operators of bicycles and other
 242 human-powered vehicles, under the following conditions:

243 (a) The limited access highway approaches and bridge
 244 segments chosen must cross a river, lake, bay, inlet, or surface
 245 water where no street or highway crossing the water body is
 246 available for use within 2 miles of the entrance to the limited
 247 access facility measured along the shortest public right-of-way.

248 (b) The Department of Transportation, with the concurrence
 249 of the Federal Highway Administration on the interstate
 250 facilities, shall establish the three highway approaches and
 251 bridge segments for the pilot project by October 1, 2011. In

252 selecting the highway approaches and bridge segments, the
253 Department of Transportation shall consider, without limitation,
254 a minimum size of population in the urban area within 5 miles of
255 the highway approach and bridge segment, the lack of bicycle
256 access by other means, cost, safety, and operational impacts.

257 (c) The Department of Transportation shall begin the pilot
258 program by erecting signs and designating marked bicycle lanes
259 indicating highway approaches and bridge segments of limited
260 access highways, as qualified by the conditions described in
261 this subsection, as open to use by operators of bicycles and
262 other human-powered vehicles no later than January 1, 2012.

263 (d) The Department of Transportation shall conduct the
264 pilot program for a minimum of 2 years following the
265 implementation date. The department may continue to provide
266 bicycle access on the highway approaches and bridge segments
267 chosen for the pilot program or initiate bicycle access on other
268 limited access facilities after the end of the program.

269 (e) The Department of Transportation shall submit a report
270 of its findings and recommendations from the pilot program to
271 the Governor, the President of the Senate, and the Speaker of
272 the House of Representatives by September 1, 2014. The report
273 shall include, at a minimum, bicycle crash data occurring in the
274 designated segments of the pilot program, usage by operators of
275 bicycles and other human-powered vehicles, enforcement issues,
276 operational impacts, and the cost of the pilot program.

277 Section 3. Paragraph (b) of subsection (2) of section
278 316.302, Florida Statutes, is amended to read:

279 316.302 Commercial motor vehicles; safety regulations;
 280 transporters and shippers of hazardous materials; enforcement.-

281 (2)

282 (b) Except as provided in 49 C.F.R. s. 395.1, a person who
 283 operates a commercial motor vehicle solely in intrastate
 284 commerce not transporting any hazardous material in amounts that
 285 require placarding pursuant to 49 C.F.R. part 172 may not drive:

286 1. More than 12 hours following 10 consecutive hours off
 287 duty; or

288 2. For any period after the end of the 16th hour after
 289 coming on duty following 10 consecutive hours off duty.

290

291 ~~The provisions of~~ This paragraph ~~does de~~ not apply to operators
 292 of farm labor vehicles during a state of emergency declared by
 293 the Governor or under s. 570.07(21) or to drivers of utility
 294 service vehicles as defined in 49 C.F.R. s. 395.2.

295 Section 4. Subsection (17) of section 331.303, Florida
 296 Statutes, is amended to read:

297 331.303 Definitions.-

298 (17) "Spaceport launch support facilities" means
 299 industrial facilities as described in s. 380.0651(3)(c) and
 300 includes ~~include~~ any launch pad, launch control center, ~~and~~
 301 fixed launch-support equipment, facilities located at launch
 302 sites or launch ranges that are required to support launch
 303 activities, including launch vehicle assembly, launch vehicle
 304 operations and control, communications, flight safety functions,
 305 and payload operations, control, and processing, as defined in
 306 chapter 84 of Title 15 of the United States Code, Commercial

307 Space Competitiveness, 15 U.S.C. s. 5802, launch support
 308 infrastructure, and transportation infrastructure necessary to
 309 support space launch activities.

310 Section 5. Section 334.03, Florida Statutes, is amended to
 311 read:

312 334.03 Definitions.—When used in the Florida
 313 Transportation Code, the term:

314 (1)~~(37)~~ "511" or "511 services" means three-digit
 315 telecommunications dialing to access interactive voice response
 316 telephone traveler information services provided in the state as
 317 defined by the Federal Communications Commission in FCC Order
 318 No. 00-256, July 31, 2000.

319 ~~(1) "Arterial road" means a route providing service which~~
 320 ~~is relatively continuous and of relatively high traffic volume,~~
 321 ~~long average trip length, high operating speed, and high~~
 322 ~~mobility importance. In addition, every United States numbered~~
 323 ~~highway is an arterial road.~~

324 (2)~~(2)~~ "Bridge" means a structure, including supports,
 325 erected over a depression or an obstruction, such as water or a
 326 highway or railway, and having a track or passageway for
 327 carrying traffic as defined in chapter 316 or other moving
 328 loads.

329 (3) "City street system" means all local roads within a
 330 municipality, and all collector roads inside that municipality,
 331 which are not in the county road system.

332 ~~(4) "Collector road" means a route providing service which~~
 333 ~~is of relatively moderate average traffic volume, moderately~~
 334 ~~average trip length, and moderately average operating speed.~~

335 ~~Such a route also collects and distributes traffic between local~~
 336 ~~roads or arterial roads and serves as a linkage between land~~
 337 ~~access and mobility needs.~~

338 (4)~~(5)~~ "Commissioners" means the governing body of a
 339 county.

340 (5)~~(6)~~ "Consolidated metropolitan statistical area" means
 341 two or more metropolitan statistical areas that are socially and
 342 economically interrelated as defined by the United States Bureau
 343 of the Census.

344 (6)~~(7)~~ "Controlled access facility" means a street or
 345 highway to which the right of access is highly regulated by the
 346 governmental entity having jurisdiction over the facility in
 347 order to maximize the operational efficiency and safety of the
 348 high-volume through traffic utilizing the facility. Owners or
 349 occupants of abutting lands and other persons have a right of
 350 access to or from such facility at such points only and in such
 351 manner as may be determined by the governmental entity.

352 (7)~~(8)~~ "County road system" means all collector roads in
 353 the unincorporated areas of a county and all extensions of such
 354 collector roads into and through any incorporated areas, all
 355 local roads in the unincorporated areas, and all urban minor
 356 arterial roads not in the State Highway System.

357 (8)~~(9)~~ "Department" means the Department of
 358 Transportation.

359 ~~(10) "Florida Intrastate Highway System" means a system of~~
 360 ~~limited access and controlled access facilities on the State~~
 361 ~~Highway System which have the capacity to provide high-speed and~~
 362 ~~high-volume traffic movements in an efficient and safe manner.~~

363 (9)~~(11)~~ "Functional classification" means the assignment
364 of roads into systems according to the character of service they
365 provide in relation to the total road network using procedures
366 developed by the Federal Highway Administration. ~~Basic~~
367 ~~functional categories include arterial roads, collector roads,~~
368 ~~and local roads which may be subdivided into principal, major,~~
369 ~~or minor levels. Those levels may be additionally divided into~~
370 ~~rural and urban categories.~~

371 (10)~~(12)~~ "Governmental entity" means a unit of government,
372 or any officially designated public agency or authority of a
373 unit of government, that has the responsibility for planning,
374 construction, operation, or maintenance or jurisdiction over
375 transportation facilities; the term includes the Federal
376 Government, the state government, a county, an incorporated
377 municipality, a metropolitan planning organization, an
378 expressway or transportation authority, a road and bridge
379 district, a special road and bridge district, and a regional
380 governmental unit.

381 (11)~~(38)~~ "Interactive voice response" means a software
382 application that accepts a combination of voice telephone input
383 and touch-tone keypad selection and provides appropriate
384 responses in the form of voice, fax, callback, e-mail, and other
385 media.

386 (12)~~(13)~~ "Limited access facility" means a street or
387 highway especially designed for through traffic, and over, from,
388 or to which owners or occupants of abutting land or other
389 persons have no right or easement of access, light, air, or view
390 by reason of the fact that their property abuts upon such

391 limited access facility or for any other reason. Such highways
392 or streets may be facilities from which trucks, buses, and other
393 commercial vehicles are excluded; or they may be facilities open
394 to use by all customary forms of street and highway traffic.

395 (13)~~(14)~~ "Local governmental entity" means a unit of
396 government with less than statewide jurisdiction, or any
397 officially designated public agency or authority of such a unit
398 of government, that has the responsibility for planning,
399 construction, operation, or maintenance of, or jurisdiction
400 over, a transportation facility; the term includes, but is not
401 limited to, a county, an incorporated municipality, a
402 metropolitan planning organization, an expressway or
403 transportation authority, a road and bridge district, a special
404 road and bridge district, and a regional governmental unit.

405 ~~(15) "Local road" means a route providing service which is
406 of relatively low average traffic volume, short average trip
407 length or minimal through traffic movements, and high land
408 access for abutting property.~~

409 (14)~~(16)~~ "Metropolitan area" means a geographic region
410 comprising as a minimum the existing urbanized area and the
411 contiguous area projected to become urbanized within a 20-year
412 forecast period. The boundaries of a metropolitan area may be
413 designated so as to encompass a metropolitan statistical area or
414 a consolidated metropolitan statistical area. If a metropolitan
415 area, or any part thereof, is located within a nonattainment
416 area, the boundaries of the metropolitan area must be designated
417 so as to include the boundaries of the entire nonattainment

418 area, unless otherwise provided by agreement between the
419 applicable metropolitan planning organization and the Governor.

420 (15)~~(17)~~ "Metropolitan statistical area" means an area
421 that includes a municipality of 50,000 persons or more, or an
422 urbanized area of at least 50,000 persons as defined by the
423 United States Bureau of the Census, provided that the component
424 county or counties have a total population of at least 100,000.

425 (16)~~(18)~~ "Nonattainment area" means an area designated by
426 the United States Environmental Protection Agency, pursuant to
427 federal law, as exceeding national primary or secondary ambient
428 air quality standards for the pollutants carbon monoxide or
429 ozone.

430 (17)~~(19)~~ "Periodic maintenance" means activities that are
431 large in scope and require a major work effort to restore
432 deteriorated components of the transportation system to a safe
433 and serviceable condition, including, but not limited to, the
434 repair of large bridge structures, major repairs to bridges and
435 bridge systems, and the mineral sealing of lengthy sections of
436 roadway.

437 (18)~~(20)~~ "Person" means any person described in s. 1.01 or
438 any unit of government in or outside the state.

439 (19)~~(21)~~ "Right of access" means the right of ingress to a
440 highway from abutting land and egress from a highway to abutting
441 land.

442 (20)~~(22)~~ "Right-of-way" means land in which the state, the
443 department, a county, or a municipality owns the fee or has an
444 easement devoted to or required for use as a transportation
445 facility.

446 ~~(21)-(23)~~ "Road" means a way open to travel by the public,
 447 including, but not limited to, a street, highway, or alley. The
 448 term includes associated sidewalks, the roadbed, the right-of-
 449 way, and all culverts, drains, sluices, ditches, water storage
 450 areas, waterways, embankments, slopes, retaining walls, bridges,
 451 tunnels, and viaducts necessary for the maintenance of travel
 452 and all ferries used in connection therewith.

453 ~~(22)-(24)~~ "Routine maintenance" means minor repairs and
 454 associated tasks necessary to maintain a safe and efficient
 455 transportation system. The term includes: pavement patching;
 456 shoulder repair; cleaning and repair of drainage ditches,
 457 traffic signs, and structures; mowing; bridge inspection and
 458 maintenance; pavement striping; litter cleanup; and other
 459 similar activities.

460 ~~(23)-(25)~~ "State Highway System" means ~~the following, which~~
 461 ~~shall be facilities to which access is regulated:~~

462 ~~(a)~~ the interstate system and all other roads within the
 463 state which were under the jurisdiction of the state on June 10,
 464 1995, and roads constructed by an agency of the state for the
 465 State Highway System, and roads transferred to the state's
 466 jurisdiction after that date by mutual consent with another
 467 governmental entity, but not roads so transferred from the
 468 state's jurisdiction. Such facilities shall be facilities to
 469 which access is regulated.

470 ~~(b)~~ ~~All rural arterial routes and their extensions into~~
 471 ~~and through urban areas;~~

472 ~~(c)~~ ~~All urban principal arterial routes; and~~

473 ~~(d) The urban minor arterial mileage on the existing State~~
474 ~~Highway System as of July 1, 1987, plus additional mileage to~~
475 ~~comply with the 2-percent requirement as described below.~~

476
477 ~~However, not less than 2 percent of the public road mileage of~~
478 ~~each urbanized area on record as of June 30, 1986, shall be~~
479 ~~included as minor arterials in the State Highway System.~~

480 ~~Urbanized areas not meeting the foregoing minimum requirement~~
481 ~~shall have transferred to the State Highway System additional~~
482 ~~minor arterials of the highest significance in which case the~~
483 ~~total minor arterials in the State Highway System from any~~
484 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
485 ~~public urban road mileage.~~

486 ~~(24)(26)~~ "State Park Road System" means roads embraced
487 within the boundaries of state parks and state roads leading to
488 state parks, other than roads of the State Highway System, the
489 county road systems, or the city street systems.

490 ~~(25)(27)~~ "State road" means a street, road, highway, or
491 other way open to travel by the public generally and dedicated
492 to the public use according to law or by prescription and
493 designated by the department, as provided by law, as part of the
494 State Highway System.

495 ~~(26)(28)~~ "Structure" means a bridge, viaduct, tunnel,
496 causeway, approach, ferry slip, culvert, toll plaza, gate, or
497 other similar facility used in connection with a transportation
498 facility.

499 ~~(27)(29)~~ "Sufficiency rating" means the objective rating
500 of a road or section of a road for the purpose of determining

501 its capability to serve properly the actual or anticipated
502 volume of traffic using the road.

503 (28)~~(30)~~ "Transportation corridor" means any land area
504 designated by the state, a county, or a municipality which is
505 between two geographic points and which area is used or suitable
506 for the movement of people and goods by one or more modes of
507 transportation, including areas necessary for management of
508 access and securing applicable approvals and permits.

509 Transportation corridors shall contain, but are not limited to,
510 the following:

511 (a) Existing publicly owned rights-of-way;

512 (b) All property or property interests necessary for
513 future transportation facilities, including rights of access,
514 air, view, and light, whether public or private, for the purpose
515 of securing and utilizing future transportation rights-of-way,
516 including, but not limited to, any lands reasonably necessary
517 now or in the future for securing applicable approvals and
518 permits, borrow pits, drainage ditches, water retention areas,
519 rest areas, replacement access for landowners whose access could
520 be impaired due to the construction of a future facility, and
521 replacement rights-of-way for relocation of rail and utility
522 facilities.

523 (29)~~(31)~~ "Transportation facility" means any means for the
524 transportation of people or property from place to place which
525 is constructed, operated, or maintained in whole or in part from
526 public funds. The term includes the property or property rights,
527 both real and personal, which have been or may be established by

528 public bodies for the transportation of people or property from
529 place to place.

530 (30)~~(32)~~ "Urban area" means a geographic region comprising
531 as a minimum the area inside the United States Bureau of the
532 Census boundary of an urban place with a population of 5,000 or
533 more persons, expanded to include adjacent developed areas as
534 provided for by Federal Highway Administration regulations.

535 ~~(33) "Urban minor arterial road" means a route that~~
536 ~~generally interconnects with and augments an urban principal~~
537 ~~arterial road and provides service to trips of shorter length~~
538 ~~and a lower level of travel mobility. The term includes all~~
539 ~~arterials not classified as "principal" and contain facilities~~
540 ~~that place more emphasis on land access than the higher system.~~

541 (31)~~(34)~~ "Urban place" means a geographic region composed
542 of one or more contiguous census tracts that have been found by
543 the United States Bureau of the Census to contain a population
544 density of at least 1,000 persons per square mile.

545 ~~(35) "Urban principal arterial road" means a route that~~
546 ~~generally serves the major centers of activity of an urban area,~~
547 ~~the highest traffic volume corridors, and the longest trip~~
548 ~~purpose and carries a high proportion of the total urban area~~
549 ~~travel on a minimum of mileage. Such roads are integrated, both~~
550 ~~internally and between major rural connections.~~

551 (32)~~(36)~~ "Urbanized area" means a geographic region
552 comprising as a minimum the area inside an urban place of 50,000
553 or more persons, as designated by the United States Bureau of
554 the Census, expanded to include adjacent developed areas as
555 provided for by Federal Highway Administration regulations.

556 Urban areas with a population of fewer than 50,000 persons which
557 are located within the expanded boundary of an urbanized area
558 are not separately recognized.

559 Section 6. Subsections (11), (13), (26), and (33) of
560 section 334.044, Florida Statutes, are amended to read:

561 334.044 Department; powers and duties.—The department
562 shall have the following general powers and duties:

563 (11) To establish a numbering system for public roads, and
564 to functionally classify such roads, ~~and to assign~~
565 ~~jurisdictional responsibility.~~

566 (13) To ~~designate existing and to~~ plan proposed
567 transportation facilities as part of the State Highway System,
568 and to construct, maintain, and operate such facilities.

569 (26) To provide for the enhancement of environmental
570 benefits, including air and water quality; to prevent roadside
571 erosion; to conserve the natural roadside growth and scenery;
572 and to provide for the implementation and maintenance of
573 roadside conservation, enhancement, and stabilization programs.
574 No more less than 1.5 percent of the amount contracted for
575 construction projects that add capacity to the existing system
576 shall be allocated by the department for the purchase of plant
577 materials. ~~, with,~~ To the greatest extent practical, a minimum of
578 50 percent of these funds shall be allocated for large plant
579 materials and the remaining funds for other plant materials. All
580 such plant materials shall be purchased from Florida commercial
581 nursery stock in this state on a uniform competitive bid basis.
582 The department will develop grades and standards for landscaping
583 materials purchased through this process. To accomplish these

584 activities, the department may contract with nonprofit
 585 organizations having the primary purpose of developing youth
 586 employment opportunities.

587 (33) To enter into agreement with Space Florida to
 588 coordinate and cooperate in the development of spaceport
 589 infrastructure as defined in s. 331.303(10) and (17) and related
 590 transportation facilities contained in the Strategic Intermodal
 591 System Plan and, where appropriate, encourage the cooperation
 592 and integration of airports and spaceports in order to meet
 593 transportation-related needs.

594 Section 7. Section 334.047, Florida Statutes, is amended
 595 to read:

596 334.047 Prohibition.—Notwithstanding any other provision
 597 of law to the contrary, the Department of Transportation may not
 598 establish a cap on the number of miles in the State Highway
 599 System ~~or a maximum number of miles of urban principal arterial~~
 600 ~~roads, as defined in s. 334.03, within a district or county.~~

601 Section 8. Subsection (5) of section 336.021, Florida
 602 Statutes, is amended to read:

603 336.021 County transportation system; levy of ninth-cent
 604 fuel tax on motor fuel and diesel fuel.—

605 (5) All impositions of the tax shall be levied before
 606 October 1 ~~July 1~~ of each year to be effective January 1 of the
 607 following year. However, levies of the tax which were in effect
 608 on July 1, 2002, and which expire on August 31 of any year may
 609 be reimposed at the current authorized rate to be effective
 610 September 1 of the year of expiration. All impositions shall be
 611 required to end on December 31 of a year. A decision to rescind

612 the tax shall not take effect on any date other than December 31
613 and shall require a minimum of 60 days' notice to the department
614 of such decision.

615 Section 9. Paragraphs (a) and (b) of subsection (1),
616 paragraph (a) of subsection (5), and paragraphs (d) and (e) of
617 subsection (7) of section 336.025, Florida Statutes, are amended
618 to read:

619 336.025 County transportation system; levy of local option
620 fuel tax on motor fuel and diesel fuel.—

621 (1) (a) In addition to other taxes allowed by law, there
622 may be levied as provided in ss. 206.41(1)(e) and 206.87(1)(c) a
623 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option
624 fuel tax upon every gallon of motor fuel and diesel fuel sold in
625 a county and taxed under the provisions of part I or part II of
626 chapter 206.

627 1. All impositions and rate changes of the tax shall be
628 levied before October 1 ~~July 1~~ to be effective January 1 of the
629 following year for a period not to exceed 30 years, and the
630 applicable method of distribution shall be established pursuant
631 to subsection (3) or subsection (4). However, levies of the tax
632 which were in effect on July 1, 2002, and which expire on August
633 31 of any year may be reimposed at the current authorized rate
634 effective September 1 of the year of expiration. Upon
635 expiration, the tax may be releived provided that a
636 redetermination of the method of distribution is made as
637 provided in this section.

638 2. County and municipal governments shall utilize moneys
 639 received pursuant to this paragraph only for transportation
 640 expenditures.

641 3. Any tax levied pursuant to this paragraph may be
 642 extended on a majority vote of the governing body of the county.
 643 A redetermination of the method of distribution shall be
 644 established pursuant to subsection (3) or subsection (4), if,
 645 after July 1, 1986, the tax is extended or the tax rate changed,
 646 for the period of extension or for the additional tax.

647 (b) In addition to other taxes allowed by law, there may
 648 be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-
 649 cent, 4-cent, or 5-cent local option fuel tax upon every gallon
 650 of motor fuel sold in a county and taxed under the provisions of
 651 part I of chapter 206. The tax shall be levied by an ordinance
 652 adopted by a majority plus one vote of the membership of the
 653 governing body of the county or by referendum.

654 1. All impositions and rate changes of the tax shall be
 655 levied before October 1 ~~July 1~~, to be effective January 1 of the
 656 following year. However, levies of the tax which were in effect
 657 on July 1, 2002, and which expire on August 31 of any year may
 658 be reimposed at the current authorized rate effective September
 659 1 of the year of expiration.

660 2. The county may, prior to levy of the tax, establish by
 661 interlocal agreement with one or more municipalities located
 662 therein, representing a majority of the population of the
 663 incorporated area within the county, a distribution formula for
 664 dividing the entire proceeds of the tax among county government
 665 and all eligible municipalities within the county. If no

666 interlocal agreement is adopted before the effective date of the
667 tax, tax revenues shall be distributed pursuant to the
668 provisions of subsection (4). If no interlocal agreement exists,
669 a new interlocal agreement may be established prior to June 1 of
670 any year pursuant to this subparagraph. However, any interlocal
671 agreement agreed to under this subparagraph after the initial
672 levy of the tax or change in the tax rate authorized in this
673 section shall under no circumstances materially or adversely
674 affect the rights of holders of outstanding bonds which are
675 backed by taxes authorized by this paragraph, and the amounts
676 distributed to the county government and each municipality shall
677 not be reduced below the amount necessary for the payment of
678 principal and interest and reserves for principal and interest
679 as required under the covenants of any bond resolution
680 outstanding on the date of establishment of the new interlocal
681 agreement.

682 3. County and municipal governments shall use moneys
683 received pursuant to this paragraph for transportation
684 expenditures needed to meet the requirements of the capital
685 improvements element of an adopted comprehensive plan or for
686 expenditures needed to meet immediate local transportation
687 problems and for other transportation-related expenditures that
688 are critical for building comprehensive roadway networks by
689 local governments. For purposes of this paragraph, expenditures
690 for the construction of new roads, the reconstruction or
691 resurfacing of existing paved roads, or the paving of existing
692 graded roads shall be deemed to increase capacity and such
693 projects shall be included in the capital improvements element

694 of an adopted comprehensive plan. Expenditures for purposes of
 695 this paragraph shall not include routine maintenance of roads.

696 (5) (a) By October 1 ~~July 1~~ of each year, the county shall
 697 notify the Department of Revenue of the rate of the taxes levied
 698 pursuant to paragraphs (1) (a) and (b), and of its decision to
 699 rescind or change the rate of a tax, if applicable, and shall
 700 provide the department with a certified copy of the interlocal
 701 agreement established under subparagraph (1) (b)2. or
 702 subparagraph (3) (a)1. with distribution proportions established
 703 by such agreement or pursuant to subsection (4), if applicable.
 704 A decision to rescind a tax shall not take effect on any date
 705 other than December 31 and shall require a minimum of 60 days'
 706 notice to the Department of Revenue of such decision.

707 (7) For the purposes of this section, "transportation
 708 expenditures" means expenditures by the local government from
 709 local or state shared revenue sources, excluding expenditures of
 710 bond proceeds, for the following programs:

711 (d) Street lighting installation, operation, maintenance,
 712 and repair.

713 (e) Traffic signs;~~;~~ traffic engineering;~~;~~ signalization
 714 installation, operation, maintenance, and repair; and pavement
 715 markings.

716 Section 10. Subsection (4) of section 337.111, Florida
 717 Statutes, is amended to read:

718 337.111 Contracting for monuments and memorials to
 719 military veterans at rest areas.—The Department of
 720 Transportation is authorized to enter into contract with any
 721 not-for-profit group or organization that has been operating for

722 not less than 2 years for the installation of monuments and
 723 memorials honoring Florida's military veterans at highway rest
 724 areas around the state pursuant to the provisions of this
 725 section.

726 (4) The group or organization making the proposal shall
 727 provide a 10-year bond, an annual renewable bond, an irrevocable
 728 letter of credit, or other form of security as approved by the
 729 department's comptroller, for the purpose of securing the cost
 730 of removal of the monument and any modifications made to the
 731 site as part of the placement of the monument should the
 732 Department of Transportation determine it necessary to remove or
 733 relocate the monument. Such removal or relocation shall be
 734 approved by the committee described in subsection (1). ~~Prior to~~
 735 ~~expiration, the bond shall be renewed for another 10-year period~~
 736 ~~if the memorial is to remain in place.~~

737 Section 11. Section 337.403, Florida Statutes, is amended
 738 to read:

739 337.403 Interference caused by Relocation of utility;
 740 expenses.—

741 (1) When a ~~Any~~ utility ~~heretofore or hereafter~~ placed
 742 upon, under, over, or along any public road or publicly owned
 743 rail corridor ~~that~~ is found by the authority to be unreasonably
 744 interfering in any way with the convenient, safe, or continuous
 745 use, or the maintenance, improvement, extension, or expansion,
 746 of such public road or publicly owned rail corridor, the utility
 747 owner shall, upon 30 days' written notice to the utility or its
 748 agent by the authority, initiate the work necessary to alleviate
 749 the interference ~~be removed or relocated by such utility at its~~

750 own expense except as provided in paragraphs (a)-(f). The work
 751 shall be completed within such reasonable time as stated in the
 752 notice or such time as agreed to by the authority and the
 753 utility owner.

754 (a) If the relocation of utility facilities, as referred
 755 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
 756 627 of the 84th Congress, is necessitated by the construction of
 757 a project on the federal-aid interstate system, including
 758 extensions thereof within urban areas, and the cost of the
 759 project is eligible and approved for reimbursement by the
 760 Federal Government to the extent of 90 percent or more under the
 761 Federal Aid Highway Act, or any amendment thereof, then in that
 762 event the utility owning or operating such facilities shall
 763 perform any necessary work ~~relocate the facilities~~ upon notice
 764 from order ~~of~~ the department, and the state shall pay the entire
 765 expense properly attributable to such work ~~relocation~~ after
 766 deducting therefrom any increase in the value of any ~~the~~ new
 767 facility and any salvage value derived from any ~~the~~ old
 768 facility.

769 (b) When a joint agreement between the department and the
 770 utility is executed for utility ~~improvement, relocation, or~~
 771 ~~removal~~ work to be accomplished as part of a contract for
 772 construction of a transportation facility, the department may
 773 participate in those utility work ~~improvement, relocation, or~~
 774 ~~removal~~ costs that exceed the department's official estimate of
 775 the cost of the work by more than 10 percent. The amount of such
 776 participation shall be limited to the difference between the
 777 official estimate of all the work in the joint agreement plus 10

778 percent and the amount awarded for this work in the construction
779 contract for such work. The department may not participate in
780 any utility work ~~improvement, relocation, or removal~~ costs that
781 occur as a result of changes or additions during the course of
782 the contract.

783 (c) When an agreement between the department and utility
784 is executed for utility ~~improvement, relocation, or removal~~ work
785 to be accomplished in advance of a contract for construction of
786 a transportation facility, the department may participate in the
787 cost of clearing and grubbing necessary to perform such work.

788 (d) If the utility facility involved ~~being removed or~~
789 ~~relocated~~ was initially installed to exclusively serve the
790 department, its tenants, or both, the department shall bear the
791 costs of the utility work ~~removing or relocating that utility~~
792 ~~facility~~. However, the department is not responsible for bearing
793 the cost of utility work related to ~~removing or relocating~~ any
794 subsequent additions to that facility for the purpose of serving
795 others.

796 (e) If, under an agreement between a utility and the
797 authority entered into after July 1, 2009, the utility conveys,
798 subordinates, or relinquishes a compensable property right to
799 the authority for the purpose of accommodating the acquisition
800 or use of the right-of-way by the authority, without the
801 agreement expressly addressing future responsibility for the
802 cost of necessary utility work ~~removing or relocating the~~
803 ~~utility~~, the authority shall bear the cost of removal or
804 relocation. This paragraph does not impair or restrict, and may

805 not be used to interpret, the terms of any such agreement
806 entered into before July 1, 2009.

807 (f) If the utility is an electric facility being relocated
808 underground in order to enhance vehicular, bicycle, and
809 pedestrian safety and in which ownership of the electric
810 facility to be placed underground has been transferred from a
811 private to a public utility within the past 5 years, the
812 department shall incur all costs of the necessary utility work
813 ~~relocation~~.

814 (2) If such utility work ~~removal or relocation~~ is
815 incidental to work to be done on such road or publicly owned
816 rail corridor, the notice shall be given at the same time the
817 contract for the work is advertised for bids, or no less than 30
818 days prior to the commencement of such work by the authority,
819 whichever is greater.

820 (3) Whenever the notice from an order ~~of~~ the authority
821 requires such utility work ~~removal or change in the location of~~
822 ~~any utility from the right-of-way of a public road or publicly~~
823 ~~owned rail corridor,~~ and the owner thereof fails perform the
824 work to remove or change the same at his or her own expense ~~to~~
825 ~~conform to the order~~ within the time stated in the notice or
826 such other time as agreed to by the authority and the utility
827 owner, the authority shall proceed to cause the utility work to
828 be performed ~~to be removed~~. The expense thereby incurred shall
829 be paid out of any money available therefor, and such expense
830 shall, except as provided in subsection (1), be charged against
831 the owner and levied and collected and paid into the fund from
832 which the expense of such relocation was paid.

833 Section 12. Subsection (1) of section 337.404, Florida
 834 Statutes, is amended to read:

835 337.404 Removal or relocation of utility facilities;
 836 notice and order; court review.—

837 (1) Whenever it shall become necessary for the authority
 838 to perform utility work ~~remove or relocate any utility~~ as
 839 provided in s. 337.403 ~~the preceding section~~, the owner of the
 840 utility, or the owner's chief agent, shall be given notice that
 841 the authority will perform ~~of such work removal or relocation~~
 842 and, after the work is complete, shall be given an order
 843 requiring the payment of the cost thereof, and a ~~shall be given~~
 844 reasonable time, which shall not be less than 20 nor more than
 845 30 days, in which to appear before the authority to contest the
 846 reasonableness of the order. Should the owner or the owner's
 847 representative not appear, the determination of the cost to the
 848 owner shall be final. Authorities considered agencies for the
 849 purposes of chapter 120 shall adjudicate removal or relocation
 850 of utilities pursuant to chapter 120.

851 Section 13. Subsections (1) and (4) of section 337.408,
 852 Florida Statutes, are amended to read:

853 337.408 Regulation of bus stops, benches, transit
 854 shelters, street light poles, waste disposal receptacles, and
 855 modular news racks within rights-of-way.—

856 (1) Benches or transit shelters, including advertising
 857 displayed on benches or transit shelters, may be installed
 858 within the right-of-way limits of any municipal, county, or
 859 state road, except a limited access highway, provided that such
 860 benches or transit shelters are for the comfort or convenience

861 of the general public or are at designated stops on official bus
862 routes and provided that written authorization has been given to
863 a qualified private supplier of such service by the municipal
864 government within whose incorporated limits such benches or
865 transit shelters are installed or by the county government
866 within whose unincorporated limits such benches or transit
867 shelters are installed. A municipality or county may authorize
868 the installation, without public bid, of benches and transit
869 shelters together with advertising displayed thereon within the
870 right-of-way limits of such roads. All installations shall be in
871 compliance with all applicable laws and rules, including,
872 without limitation, the Americans with Disabilities Act.
873 Municipalities or counties shall indemnify, defend, and hold
874 harmless the department from any suits, actions, proceedings,
875 claims, losses, costs, charges, expenses, damages, liabilities,
876 attorney fees, and court costs relating to the installation,
877 removal, or relocation of such installations. Any contract for
878 the installation of benches or transit shelters or advertising
879 on benches or transit shelters which was entered into before
880 April 8, 1992, without public bidding is ratified and affirmed.
881 Such benches or transit shelters may not interfere with right-
882 of-way preservation and maintenance. Any bench or transit
883 shelter located on a sidewalk within the right-of-way limits of
884 any road on the State Highway System or the county road system
885 shall be located so as to leave at least 36 inches of clearance
886 for pedestrians and persons in wheelchairs. Such clearance shall
887 be measured in a direction perpendicular to the centerline of
888 the road.

889 (4) The department has the authority to direct the
890 immediate relocation or removal of any bus stop, bench, transit
891 shelter, waste disposal receptacle, public pay telephone, or
892 modular news rack that endangers life or property, or that is
893 otherwise not in compliance with applicable laws and rules,
894 except that transit bus benches that were placed in service
895 before April 1, 1992, are not required to comply with bench size
896 and advertising display size requirements established by the
897 department before March 1, 1992. If a municipality or county
898 fails to comply with the department's direction, the department
899 shall remove the noncompliant installation, charge the cost of
900 the removal to the municipality or county, and may deduct or
901 offset such cost from any other funding available to the
902 municipality or county from the department. ~~Any transit bus~~
903 ~~bench that was in service before April 1, 1992, may be replaced~~
904 ~~with a bus bench of the same size or smaller, if the bench is~~
905 ~~damaged or destroyed or otherwise becomes unusable.~~ The
906 department may adopt rules relating to the regulation of bench
907 size and advertising display size requirements. If a
908 municipality or county within which a bench is to be located has
909 adopted an ordinance or other applicable regulation that
910 establishes bench size or advertising display sign requirements
911 different from requirements specified in department rule, the
912 local government requirement applies within the respective
913 municipality or county. Placement of any bench or advertising
914 display on the National Highway System under a local ordinance
915 or regulation adopted under this subsection is subject to
916 approval of the Federal Highway Administration.

917 Section 14. Chapter 338, Florida Statutes, is retitled
 918 "LIMITED ACCESS AND TOLL FACILITIES."

919 Section 15. Section 338.001, Florida Statutes, is
 920 repealed.

921 Section 16. Subsections (1) through (6) of section 338.01,
 922 Florida Statutes, are renumbered as subsections (2) through (7),
 923 respectively, and a new subsection (1) is added to that section
 924 to read:

925 338.01 Authority to establish and regulate limited access
 926 facilities.—

927 (1) The department is authorized to establish limited
 928 access facilities as provided in s. 335.02. The primary function
 929 of such limited access facilities is to allow high-speed and
 930 high-volume traffic movements within the state. Access to
 931 abutting land is subordinate to this function, and such access
 932 must be prohibited or highly regulated.

933 Section 17. Section 339.155, Florida Statutes, is amended
 934 to read:

935 339.155 Transportation planning.—

936 (1) THE FLORIDA TRANSPORTATION PLAN.—The department shall
 937 develop ~~and annually update~~ a statewide transportation plan, to
 938 be known as the Florida Transportation Plan. The plan shall be
 939 designed so as to be easily read and understood by the general
 940 public. The purpose of the Florida Transportation Plan is to
 941 establish and define the state's long-range transportation goals
 942 and objectives to be accomplished over a period of at least 20
 943 years within the context of the State Comprehensive Plan, and
 944 any other statutory mandates and authorizations and based upon

945 the prevailing principles of: preserving the existing
 946 transportation infrastructure; enhancing Florida's economic
 947 competitiveness; and improving travel choices to ensure
 948 mobility. The Florida Transportation Plan shall consider the
 949 needs of the entire state transportation system and examine the
 950 use of all modes of transportation to effectively and
 951 efficiently meet such needs.

952 (2) SCOPE OF PLANNING PROCESS.—The department shall carry
 953 out a transportation planning process in conformance with s.
 954 334.046(1) and 23 U.S.C. s. 135. ~~which provides for~~
 955 ~~consideration of projects and strategies that will:~~

956 ~~(a) Support the economic vitality of the United States,~~
 957 ~~Florida, and the metropolitan areas, especially by enabling~~
 958 ~~global competitiveness, productivity, and efficiency;~~

959 ~~(b) Increase the safety and security of the transportation~~
 960 ~~system for motorized and nonmotorized users;~~

961 ~~(c) Increase the accessibility and mobility options~~
 962 ~~available to people and for freight;~~

963 ~~(d) Protect and enhance the environment, promote energy~~
 964 ~~conservation, and improve quality of life;~~

965 ~~(e) Enhance the integration and connectivity of the~~
 966 ~~transportation system, across and between modes throughout~~
 967 ~~Florida, for people and freight;~~

968 ~~(f) Promote efficient system management and operation; and~~

969 ~~(g) Emphasize the preservation of the existing~~
 970 ~~transportation system.~~

971 (3) FORMAT, SCHEDULE, AND REVIEW.—The Florida
 972 Transportation Plan shall be a unified, concise planning

973 document that clearly defines the state's long-range
974 transportation goals and objectives ~~and documents the~~
975 ~~department's short-range objectives developed to further such~~
976 ~~goals and objectives.~~ The plan shall:

977 (a) Include a glossary that clearly and succinctly defines
978 any and all phrases, words, or terms of art included in the
979 plan, with which the general public may be unfamiliar, ~~and shall~~
980 ~~consist of, at a minimum, the following components:~~

981 (b) ~~(a)~~ Document ~~A long-range component documenting the~~
982 ~~goals and long-term objectives necessary to implement the~~
983 ~~results of the~~ department consistent with ~~department's findings~~
984 ~~from its examination of the criteria listed in subsection (2)~~
985 ~~and s. 334.046(1) and 23 U.S.C. s. 135.~~ ~~The long-range component~~
986 ~~must~~

987 (c) Be developed in cooperation with the metropolitan
988 planning organizations and reconciled, to the maximum extent
989 feasible, with the long-range plans developed by metropolitan
990 planning organizations pursuant to s. 339.175. ~~The plan must~~
991 ~~also~~

992 (d) Be developed in consultation with affected local
993 officials in nonmetropolitan areas and with any affected Indian
994 tribal governments. ~~The plan must~~

995 (e) Provide an examination of transportation issues likely
996 to arise during at least a 20-year period. ~~The long-range~~
997 ~~component shall~~

998 (f) Be updated at least once every 5 years, or more often
999 as necessary, to reflect substantive changes to federal or state
1000 law.

1001 ~~(b) A short-range component documenting the short-term~~
 1002 ~~objectives and strategies necessary to implement the goals and~~
 1003 ~~long-term objectives contained in the long-range component. The~~
 1004 ~~short-range component must define the relationship between the~~
 1005 ~~long-range goals and the short-range objectives, specify those~~
 1006 ~~objectives against which the department's achievement of such~~
 1007 ~~goals will be measured, and identify transportation strategies~~
 1008 ~~necessary to efficiently achieve the goals and objectives in the~~
 1009 ~~plan. It must provide a policy framework within which the~~
 1010 ~~department's legislative budget request, the strategic~~
 1011 ~~information resource management plan, and the work program are~~
 1012 ~~developed. The short-range component shall serve as the~~
 1013 ~~department's annual agency strategic plan pursuant to s.~~
 1014 ~~186.021. The short-range component shall be developed consistent~~
 1015 ~~with available and forecasted state and federal funds. The~~
 1016 ~~short-range component shall also be submitted to the Florida~~
 1017 ~~Transportation Commission.~~

1018 ~~(4) ANNUAL PERFORMANCE REPORT. The department shall~~
 1019 ~~develop an annual performance report evaluating the operation of~~
 1020 ~~the department for the preceding fiscal year. The report shall~~
 1021 ~~also include a summary of the financial operations of the~~
 1022 ~~department and shall annually evaluate how well the adopted work~~
 1023 ~~program meets the short-term objectives contained in the short-~~
 1024 ~~range component of the Florida Transportation Plan. This~~
 1025 ~~performance report shall be submitted to the Florida~~
 1026 ~~Transportation Commission and the legislative appropriations and~~
 1027 ~~transportation committees.~~

1028 (4)~~(5)~~ ADDITIONAL TRANSPORTATION PLANS.—

1029 (a) Upon request by local governmental entities, the
1030 department may in its discretion develop and design
1031 transportation corridors, arterial and collector streets,
1032 vehicular parking areas, and other support facilities which are
1033 consistent with the plans of the department for major
1034 transportation facilities. The department may render to local
1035 governmental entities or their planning agencies such technical
1036 assistance and services as are necessary so that local plans and
1037 facilities are coordinated with the plans and facilities of the
1038 department.

1039 (b) Each regional planning council, as provided for in s.
1040 186.504, or any successor agency thereto, shall develop, as an
1041 element of its strategic regional policy plan, transportation
1042 goals and policies. The transportation goals and policies must
1043 be prioritized to comply with the prevailing principles provided
1044 in subsection (2) and s. 334.046(1). The transportation goals
1045 and policies shall be consistent, to the maximum extent
1046 feasible, with the goals and policies of the metropolitan
1047 planning organization and the Florida Transportation Plan. The
1048 transportation goals and policies of the regional planning
1049 council will be advisory only and shall be submitted to the
1050 department and any affected metropolitan planning organization
1051 for their consideration and comments. Metropolitan planning
1052 organization plans and other local transportation plans shall be
1053 developed consistent, to the maximum extent feasible, with the
1054 regional transportation goals and policies. The regional
1055 planning council shall review urbanized area transportation
1056 plans and any other planning products stipulated in s. 339.175

1057 and provide the department and respective metropolitan planning
1058 organizations with written recommendations which the department
1059 and the metropolitan planning organizations shall take under
1060 advisement. Further, the regional planning councils shall
1061 directly assist local governments which are not part of a
1062 metropolitan area transportation planning process in the
1063 development of the transportation element of their comprehensive
1064 plans as required by s. 163.3177.

1065 (c) Regional transportation plans may be developed in
1066 regional transportation areas in accordance with an interlocal
1067 agreement entered into pursuant to s. 163.01 by two or more
1068 contiguous metropolitan planning organizations; one or more
1069 metropolitan planning organizations and one or more contiguous
1070 counties, none of which is a member of a metropolitan planning
1071 organization; a multicounty regional transportation authority
1072 created by or pursuant to law; two or more contiguous counties
1073 that are not members of a metropolitan planning organization; or
1074 metropolitan planning organizations comprised of three or more
1075 counties.

1076 (d) The interlocal agreement must, at a minimum, identify
1077 the entity that will coordinate the development of the regional
1078 transportation plan; delineate the boundaries of the regional
1079 transportation area; provide the duration of the agreement and
1080 specify how the agreement may be terminated, modified, or
1081 rescinded; describe the process by which the regional
1082 transportation plan will be developed; and provide how members
1083 of the entity will resolve disagreements regarding
1084 interpretation of the interlocal agreement or disputes relating

1085 to the development or content of the regional transportation
 1086 plan. Such interlocal agreement shall become effective upon its
 1087 recordation in the official public records of each county in the
 1088 regional transportation area.

1089 (e) The regional transportation plan developed pursuant to
 1090 this section must, at a minimum, identify regionally significant
 1091 transportation facilities located within a regional
 1092 transportation area and contain a prioritized list of regionally
 1093 significant projects. The level-of-service standards for
 1094 facilities to be funded under this subsection shall be adopted
 1095 by the appropriate local government in accordance with s.
 1096 163.3180(10). The projects shall be adopted into the capital
 1097 improvements schedule of the local government comprehensive plan
 1098 pursuant to s. 163.3177(3).

1099 (5)~~(6)~~ PROCEDURES FOR PUBLIC PARTICIPATION IN
 1100 TRANSPORTATION PLANNING.—

1101 (a) During the development of the ~~long range component of~~
 1102 ~~the~~ Florida Transportation Plan and prior to substantive
 1103 revisions, the department shall provide citizens, affected
 1104 public agencies, representatives of transportation agency
 1105 employees, other affected employee representatives, private
 1106 providers of transportation, and other known interested parties
 1107 with an opportunity to comment on the proposed plan or
 1108 revisions. These opportunities shall include, at a minimum,
 1109 publishing a notice in the Florida Administrative Weekly and
 1110 within a newspaper of general circulation within the area of
 1111 each department district office.

1112 (b) During development of major transportation
1113 improvements, such as those increasing the capacity of a
1114 facility through the addition of new lanes or providing new
1115 access to a limited or controlled access facility or
1116 construction of a facility in a new location, the department
1117 shall hold one or more hearings prior to the selection of the
1118 facility to be provided; prior to the selection of the site or
1119 corridor of the proposed facility; and prior to the selection of
1120 and commitment to a specific design proposal for the proposed
1121 facility. Such public hearings shall be conducted so as to
1122 provide an opportunity for effective participation by interested
1123 persons in the process of transportation planning and site and
1124 route selection and in the specific location and design of
1125 transportation facilities. The various factors involved in the
1126 decision or decisions and any alternative proposals shall be
1127 clearly presented so that the persons attending the hearing may
1128 present their views relating to the decision or decisions which
1129 will be made.

1130 (c) Opportunity for design hearings:

1131 1. The department, prior to holding a design hearing,
1132 shall duly notify all affected property owners of record, as
1133 recorded in the property appraiser's office, by mail at least 20
1134 days prior to the date set for the hearing. The affected
1135 property owners shall be:

1136 a. Those whose property lies in whole or in part within
1137 300 feet on either side of the centerline of the proposed
1138 facility.

1139 b. Those whom the department determines will be
 1140 substantially affected environmentally, economically, socially,
 1141 or safetywise.

1142 2. For each subsequent hearing, the department shall
 1143 publish notice prior to the hearing date in a newspaper of
 1144 general circulation for the area affected. These notices must be
 1145 published twice, with the first notice appearing at least 15
 1146 days, but no later than 30 days, before the hearing.

1147 3. A copy of the notice of opportunity for the hearing
 1148 must be furnished to the United States Department of
 1149 Transportation and to the appropriate departments of the state
 1150 government at the time of publication.

1151 4. The opportunity for another hearing shall be afforded
 1152 in any case when proposed locations or designs are so changed
 1153 from those presented in the notices specified above or at a
 1154 hearing as to have a substantially different social, economic,
 1155 or environmental effect.

1156 5. The opportunity for a hearing shall be afforded in each
 1157 case in which the department is in doubt as to whether a hearing
 1158 is required.

1159 Section 18. Paragraph (a) of subsection (4) of section
 1160 339.175, Florida Statutes, is amended to read:

1161 339.175 Metropolitan planning organization.—

1162 (4) APPORTIONMENT.—

1163 (a) The Governor shall, with the agreement of the affected
 1164 units of general-purpose local government as required by federal
 1165 rules and regulations, apportion the membership on the
 1166 applicable M.P.O. among the various governmental entities within

1167 the area. At the request of a majority of the affected units of
1168 general-purpose local government comprising an M.P.O., the
1169 Governor and a majority of units of general-purpose local
1170 government serving on an M.P.O. shall cooperatively agree upon
1171 and prescribe who may serve as an alternate member and a method
1172 for appointing alternate members who may vote at any M.P.O.
1173 meeting that an alternate member attends in place of a regular
1174 member. The method shall be set forth as a part of the
1175 interlocal agreement describing the M.P.O.'s membership or in
1176 the M.P.O.'s operating procedures and bylaws. The governmental
1177 entity so designated shall appoint the appropriate number of
1178 members to the M.P.O. from eligible officials. Representatives
1179 of the department shall serve as nonvoting advisers to ~~members~~
1180 ~~of~~ the M.P.O. governing board. Additional nonvoting advisers may
1181 be appointed by the M.P.O. as deemed necessary; however, to the
1182 maximum extent feasible, each M.P.O. shall seek to appoint
1183 nonvoting representatives of various multimodal forms of
1184 transportation not otherwise represented by voting members of
1185 the M.P.O. An M.P.O. shall appoint nonvoting advisers
1186 representing major military installations located within the
1187 jurisdictional boundaries of the M.P.O. upon the request of the
1188 aforesaid major military installations and subject to the
1189 agreement of the M.P.O. All nonvoting advisers may attend and
1190 participate fully in governing board meetings but shall not have
1191 a vote and shall not be members of the governing board. The
1192 Governor shall review the composition of the M.P.O. membership
1193 in conjunction with the decennial census as prepared by the

1194 United States Department of Commerce, Bureau of the Census, and
 1195 reapportion it as necessary to comply with subsection (3).

1196 Section 19. Subsection (2) of section 339.63, Florida
 1197 Statutes, is amended to read:

1198 339.63 System facilities designated; additions and
 1199 deletions.—

1200 (2) The Strategic Intermodal System and the Emerging
 1201 Strategic Intermodal System include four ~~three~~ different types
 1202 of facilities that each form one component of an interconnected
 1203 transportation system which types include:

1204 (a) Existing or planned hubs that are ports and terminals
 1205 including airports, seaports, spaceports, passenger terminals,
 1206 and rail terminals serving to move goods or people between
 1207 Florida regions or between Florida and other markets in the
 1208 United States and the rest of the world.†

1209 (b) Existing or planned corridors that are highways, rail
 1210 lines, waterways, and other exclusive-use facilities connecting
 1211 major markets within Florida or between Florida and other states
 1212 or nations.† ~~and~~

1213 (c) Existing or planned intermodal connectors that are
 1214 highways, rail lines, waterways or local public transit systems
 1215 serving as connectors between the components listed in
 1216 paragraphs (a) and (b).

1217 (d) Existing or planned military access facilities that
 1218 are highways or rail lines linking Strategic Intermodal System
 1219 corridors to the state's strategic military installations.

1220 Section 20. Section 339.64, Florida Statutes, is amended
 1221 to read:

1222 339.64 Strategic Intermodal System Plan.—

1223 (1) The department shall develop, in cooperation with
 1224 metropolitan planning organizations, regional planning councils,
 1225 local governments, ~~the Statewide Intermodal Transportation~~
 1226 ~~Advisory Council~~ and other transportation providers, a Strategic
 1227 Intermodal System Plan. The plan shall be consistent with the
 1228 Florida Transportation Plan developed pursuant to s. 339.155 and
 1229 shall be updated at least once every 5 years, subsequent to
 1230 updates of the Florida Transportation Plan.

1231 (2) In association with the continued development of the
 1232 Strategic Intermodal System Plan, the Florida Transportation
 1233 Commission, as part of its work program review process, shall
 1234 conduct an annual assessment of the progress that the department
 1235 and its transportation partners have made in realizing the goals
 1236 of economic development, improved mobility, and increased
 1237 intermodal connectivity of the Strategic Intermodal System. The
 1238 Florida Transportation Commission shall coordinate with the
 1239 department, ~~the Statewide Intermodal Transportation Advisory~~
 1240 ~~Council~~, and other appropriate entities when developing this
 1241 assessment. The Florida Transportation Commission shall deliver
 1242 a report to the Governor and Legislature no later than 14 days
 1243 after the regular session begins, with recommendations as
 1244 necessary to fully implement the Strategic Intermodal System.

1245 (3) (a) During the development of updates to the Strategic
 1246 Intermodal System Plan, the department shall provide
 1247 metropolitan planning organizations, regional planning councils,
 1248 local governments, transportation providers, affected public

1249 agencies, and citizens with an opportunity to participate in and
1250 comment on the development of the update.

1251 (b) The department also shall coordinate with federal,
1252 regional, and local partners the planning for the Strategic
1253 Highway Network and the Strategic Rail Corridor Network
1254 transportation facilities that either are included in the
1255 Strategic Intermodal System or that provide a direct connection
1256 between military installations and the Strategic Intermodal
1257 System. In addition, the department shall coordinate with
1258 regional and local partners to determine whether the road and
1259 other transportation infrastructure that connect military
1260 installations to the Strategic Intermodal System, the Strategic
1261 Highway Network, or the Strategic Rail Corridor is regionally
1262 significant and should be included in the Strategic Intermodal
1263 System Plan.

1264 (4) The Strategic Intermodal System Plan shall include the
1265 following:

1266 (a) A needs assessment.

1267 (b) A project prioritization process.

1268 (c) A map of facilities designated as Strategic Intermodal
1269 System facilities; facilities that are emerging in importance
1270 and that are likely to become part of the system in the future;
1271 and planned facilities that will meet the established criteria.

1272 (d) A finance plan based on reasonable projections of
1273 anticipated revenues, including both 10-year and at least 20-
1274 year cost-feasible components.

1275 (e) An assessment of the impacts of proposed improvements
1276 to Strategic Intermodal System corridors on military

1277 installations that are either located directly on the Strategic
 1278 Intermodal System or located on the Strategic Highway Network or
 1279 Strategic Rail Corridor Network.

1280 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~

1281 ~~(a) The Statewide Intermodal Transportation Advisory~~
 1282 ~~Council is created to advise and make recommendations to the~~
 1283 ~~Legislature and the department on policies, planning, and~~
 1284 ~~funding of intermodal transportation projects. The council's~~
 1285 ~~responsibilities shall include:~~

1286 ~~1. Advising the department on the policies, planning, and~~
 1287 ~~implementation of strategies related to intermodal~~
 1288 ~~transportation.~~

1289 ~~2. Providing advice and recommendations to the Legislature~~
 1290 ~~on funding for projects to move goods and people in the most~~
 1291 ~~efficient and effective manner for the State of Florida.~~

1292 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~
 1293 ~~Transportation Advisory Council shall consist of the following:~~

1294 ~~1. Six intermodal industry representatives selected by the~~
 1295 ~~Governor as follows:~~

1296 ~~a. One representative from an airport involved in the~~
 1297 ~~movement of freight and people from their airport facility to~~
 1298 ~~another transportation mode.~~

1299 ~~b. One individual representing a fixed route, local-~~
 1300 ~~government transit system.~~

1301 ~~e. One representative from an intercity bus company~~
 1302 ~~providing regularly scheduled bus travel as determined by~~
 1303 ~~federal regulations.~~

1304 ~~d. One representative from a spaceport.~~

1305 ~~e. One representative from intermodal trucking companies.~~
 1306 ~~f. One representative having command responsibilities of a~~
 1307 ~~major military installation.~~
 1308 ~~2. Three intermodal industry representatives selected by~~
 1309 ~~the President of the Senate as follows:~~
 1310 ~~a. One representative from major line railroads.~~
 1311 ~~b. One representative from seaports listed in s. 311.09(1)~~
 1312 ~~from the Atlantic Coast.~~
 1313 ~~e. One representative from an airport involved in the~~
 1314 ~~movement of freight and people from their airport facility to~~
 1315 ~~another transportation mode.~~
 1316 ~~3. Three intermodal industry representatives selected by~~
 1317 ~~the Speaker of the House of Representatives as follows:~~
 1318 ~~a. One representative from short line railroads.~~
 1319 ~~b. One representative from seaports listed in s. 311.09(1)~~
 1320 ~~from the Gulf Coast.~~
 1321 ~~e. One representative from intermodal trucking companies.~~
 1322 ~~In no event may this representative be employed by the same~~
 1323 ~~company that employs the intermodal trucking company~~
 1324 ~~representative selected by the Governor.~~
 1325 ~~(c) Initial appointments to the council must be made no~~
 1326 ~~later than 30 days after the effective date of this section.~~
 1327 ~~1. The initial appointments made by the President of the~~
 1328 ~~Senate and the Speaker of the House of Representatives shall~~
 1329 ~~serve terms concurrent with those of the respective appointing~~
 1330 ~~officer. Beginning January 15, 2005, and for all subsequent~~
 1331 ~~appointments, council members appointed by the President of the~~
 1332 ~~Senate and the Speaker of the House of Representatives shall~~

1333 ~~serve 2-year terms, concurrent with the term of the respective~~
 1334 ~~appointing officer.~~

1335 ~~2. The initial appointees, and all subsequent appointees,~~
 1336 ~~made by the Governor shall serve 2-year terms.~~

1337 ~~3. Vacancies on the council shall be filled in the same~~
 1338 ~~manner as the initial appointments.~~

1339 ~~(d) Each member of the council shall be allowed one vote.~~
 1340 ~~The council shall select a chair from among its membership.~~
 1341 ~~Meetings shall be held at the call of the chair, but not less~~
 1342 ~~frequently than quarterly. The members of the council shall be~~
 1343 ~~reimbursed for per diem and travel expenses as provided in s.~~
 1344 ~~112.061.~~

1345 ~~(e) The department shall provide administrative staff~~
 1346 ~~support and shall ensure that council meetings are~~
 1347 ~~electronically recorded. Such recordings and all documents~~
 1348 ~~received, prepared for, or used by the council in conducting its~~
 1349 ~~business shall be preserved pursuant to chapters 119 and 257.~~

1350 Section 21. Section 339.65, Florida Statutes, is created
 1351 to read:

1352 339.65 Strategic Intermodal System highway corridors.-

1353 (1) The department shall plan and develop Strategic
 1354 Intermodal System highway corridors, including limited and
 1355 controlled access facilities, allowing for high-speed and high-
 1356 volume traffic movements within the state. The primary function
 1357 of these corridors is to provide such traffic movements. Access
 1358 to abutting land is subordinate to this function, and such
 1359 access must be prohibited or highly regulated.

1360 (2) Strategic Intermodal System highway corridors shall
1361 include facilities from the following components of the State
1362 Highway System that meet the criteria adopted by the department
1363 pursuant to s. 339.63:

1364 (a) Interstate highways.

1365 (b) The Florida Turnpike System.

1366 (c) Interregional and intercity limited access facilities.

1367 (d) Existing interregional and intercity arterial highways
1368 previously upgraded or upgraded in the future to limited access
1369 or controlled access facility standards.

1370 (e) New limited access facilities necessary to complete a
1371 balanced statewide system.

1372 (3) The department shall adhere to the following policy
1373 guidelines in the development of Strategic Intermodal System
1374 highway corridors:

1375 (a) Make capacity improvements to existing facilities
1376 where feasible to minimize costs and environmental impacts.

1377 (b) Identify appropriate arterial highways in major
1378 transportation corridors for inclusion in a program to bring
1379 these facilities up to limited access or controlled access
1380 facility standards.

1381 (c) Coordinate proposed projects with appropriate limited
1382 access projects undertaken by expressway authorities and local
1383 governmental entities.

1384 (d) Maximize the use of limited access facility standards
1385 when constructing new arterial highways.

1386 (e) Identify appropriate new limited access highways for
1387 inclusion as a part of the Florida Turnpike System.

1388 (f) To the maximum extent feasible, ensure that proposed
 1389 projects are consistent with approved local government
 1390 comprehensive plans of the local jurisdictions in which such
 1391 facilities are to be located and with the transportation
 1392 improvement program of any metropolitan planning organization in
 1393 which such facilities are to be located.

1394 (4) The department shall develop and maintain a plan of
 1395 Strategic Intermodal System highway corridor projects that are
 1396 anticipated to be let to contract for construction within a time
 1397 period of at least 20 years. The plan shall also identify when
 1398 segments of the corridor will meet the standards and criteria
 1399 developed pursuant to subsection (5).

1400 (5) The department shall establish the standards and
 1401 criteria for the functional characteristics and design of
 1402 facilities proposed as part of Strategic Intermodal System
 1403 highway corridors.

1404 (6) For the purposes of developing the proposed Strategic
 1405 Intermodal System highway corridors, beginning in fiscal year
 1406 2003-2004 and for each fiscal year thereafter, the minimum
 1407 amount allocated shall be based on the fiscal year 2003-2004
 1408 allocation of \$450 million adjusted annually by the change in
 1409 the Consumer Price Index for the prior fiscal year compared to
 1410 the Consumer Price Index for fiscal year 2003-2004.

1411 (7) Any project to be constructed as part of a Strategic
 1412 Intermodal System highway corridor shall be included in the
 1413 department's adopted work program. Any Strategic Intermodal
 1414 System highway corridor projects that are added to or deleted
 1415 from the previous adopted work program, or any modification to

1416 Strategic Intermodal System highway corridor projects contained
 1417 in the previous adopted work program, shall be specifically
 1418 identified and submitted as a separate part of the tentative
 1419 work program.

1420 Section 22. Subsection (3) of section 341.302, Florida
 1421 Statutes, is amended to read:

1422 341.302 Rail program; duties and responsibilities of the
 1423 department.—The department, in conjunction with other
 1424 governmental entities, including the rail enterprise and the
 1425 private sector, shall develop and implement a rail program of
 1426 statewide application designed to ensure the proper maintenance,
 1427 safety, revitalization, and expansion of the rail system to
 1428 assure its continued and increased availability to respond to
 1429 statewide mobility needs. Within the resources provided pursuant
 1430 to chapter 216, and as authorized under federal law, the
 1431 department shall:

1432 (3) Develop and periodically update the rail system plan,
 1433 on the basis of an analysis of statewide transportation needs.

1434 (a) The plan may contain detailed regional components,
 1435 consistent with regional transportation plans, as needed to
 1436 ensure connectivity within the state's regions, and it shall be
 1437 consistent with the Florida Transportation Plan developed
 1438 pursuant to s. 339.155. The rail system plan shall include an
 1439 identification of priorities, programs, and funding levels
 1440 required to meet statewide and regional needs. The rail system
 1441 plan shall be developed in a manner that will assure the maximum
 1442 use of existing facilities and the optimum integration and
 1443 coordination of the various modes of transportation, public and

1444 private, in the most cost-effective manner possible. The rail
 1445 system plan shall be updated no later than January 1, 2011, and
 1446 at least every 5 years thereafter, and include plans for both
 1447 passenger rail service and freight rail service, accompanied by
 1448 a report to the Legislature regarding the status of the plan.

1449 (b) In recognition of the department's role in the
 1450 enhancement of the state's rail system to improve freight and
 1451 passenger mobility, the department shall:

1452 1. Work closely with all affected communities along an
 1453 impacted freight rail corridor to identify and address
 1454 anticipated impacts associated with an increase in freight rail
 1455 traffic due to implementation of passenger rail.

1456 2. In coordination with the affected local governments and
 1457 CSX Transportation, Inc., finalize all viable alternatives from
 1458 the department's Rail Traffic Evaluation Study to identify and
 1459 develop an alternative route for through freight rail traffic
 1460 moving through Central Florida, including the counties of Polk
 1461 and Hillsborough, which would address, to the extent
 1462 practicable, the effects of commuter rail.

1463 3. Provide technical assistance to a coalition of local
 1464 governments in Central Florida, including the counties of
 1465 Brevard, Citrus, Hernando, Hillsborough, Lake, Marion, Orange,
 1466 Osceola, Pasco, Pinellas, Polk, Manatee, Sarasota, Seminole,
 1467 Sumter, and Volusia, and the municipalities within those
 1468 counties, to develop a regional rail system plan that addresses
 1469 passenger and freight opportunities in the region, is consistent
 1470 with the Florida Rail System Plan, and incorporates appropriate
 1471 elements of the Tampa Bay Area Regional Authority Master Plan,

1472 the Metroplan Orlando Regional Transit System Concept Plan,
 1473 including the SunRail project, and the Florida Department of
 1474 Transportation Alternate Rail Traffic Evaluation.

1475 4. Provide for, to the extent funds are available and
 1476 funding for high hazard grade crossing safety projects is not
 1477 adversely affected:

1478 a. Construction of supplemental safety measures, known as
 1479 quadrant gates, as authorized by the Federal Railroad
 1480 Administration for quiet zone crossings, at any rail crossing
 1481 located along a passenger rail corridor and giving priority to
 1482 such projects in areas where a one-to-one local match is
 1483 available; and

1484 b. Improvements at multimodal transportation centers, only
 1485 for the period of time that the passenger rail system is
 1486 operated and maintained by the department, that serve more than
 1487 one transportation mode, including, but not limited to, buses,
 1488 bicycles, and passenger rail, in an effort to maximize the
 1489 benefits of a passenger rail system. Priority shall be given to
 1490 multimodal transportation centers that have established the
 1491 regulatory framework for transit-oriented development in and
 1492 around its downtown service area.

1493 Section 23. Paragraph (c) of subsection (4) of section
 1494 348.0003, Florida Statutes, is amended to read:

1495 348.0003 Expressway authority; formation; membership.—

1496 (4)

1497 (c) Members of each expressway authority, transportation
 1498 authority, bridge authority, or toll authority, created pursuant
 1499 to this chapter, chapter 343, ~~or chapter 349~~ or any other

1500 general legislative enactment shall comply with the applicable
1501 financial disclosure requirements of s. 8, Art. II of the State
1502 Constitution. This paragraph does not subject any statutorily
1503 created authority, other than an expressway authority created
1504 under this part, to any other requirement of this part except
1505 the requirement of this paragraph.

1506 Section 24. Subsection (3) of section 349.03, Florida
1507 Statutes, is amended to read:

1508 349.03 Jacksonville Transportation Authority.—

1509 (3) (a) The terms of appointed members shall be for 4 years
1510 deemed to have commenced on June 1 of the year in which they are
1511 appointed. Each member shall hold office until a successor has
1512 been appointed and has qualified. A vacancy during a term shall
1513 be filled by the respective appointing authority only for the
1514 balance of the unexpired term. Any member appointed to the
1515 authority for two consecutive full terms shall not be eligible
1516 for appointment to the next succeeding term. One of the members
1517 so appointed shall be designated annually by the members as
1518 chair of the authority, one member shall be designated annually
1519 as the vice chair of the authority, one member shall be
1520 designated annually as the secretary of the authority, and one
1521 member shall be designated annually as the treasurer of the
1522 authority. The members of the authority shall not be entitled to
1523 compensation, but shall be reimbursed for travel expenses or
1524 other expenses actually incurred in their duties as provided by
1525 law. Four voting members of the authority shall constitute a
1526 quorum, and no resolution adopted by the authority shall become
1527 effective unless with the affirmative vote of at least four

1528 | members. Members of the authority shall file as their mandatory
 1529 | financial disclosure a statement of financial interest with the
 1530 | Commission on Ethics as provided in s. 112.3145(2)(b).

1531 | (b) The authority shall employ an executive director, and
 1532 | the executive director may hire such staff, permanent or
 1533 | temporary, as he or she may determine and may organize the staff
 1534 | of the authority into such departments and units as he or she
 1535 | may determine. The executive director may appoint department
 1536 | directors, deputy directors, division chiefs, and staff
 1537 | assistants to the executive director, as he or she may
 1538 | determine. In so appointing the executive director, the
 1539 | authority may fix the compensation of such appointee, who shall
 1540 | serve at the pleasure of the authority. All employees of the
 1541 | authority shall be exempt from the provisions of part II of
 1542 | chapter 110. The authority may employ such financial advisers
 1543 | and consultants, technical experts, engineers, and agents and
 1544 | employees, permanent or temporary, as it may require and may fix
 1545 | the compensation and qualifications of such persons, firms, or
 1546 | corporations. The authority may delegate to one or more of its
 1547 | agents or employees such of its powers as it shall deem
 1548 | necessary to carry out the purposes of this chapter, subject
 1549 | always to the supervision and control of the governing body of
 1550 | the authority.

1551 | Section 25. Subsection (8) is added to section 349.04,
 1552 | Florida Statutes, to read:

1553 | 349.04 Purposes and powers.—

1554 | (8) The authority may conduct public meetings and
 1555 | workshops by means of communications media technology, as

1556 provided in s. 120.54(5). However, a resolution, rule, or formal
1557 action is not binding unless a quorum is physically present at
1558 the noticed meeting location, and only members physically
1559 present may vote on any item.

1560 Section 26. Subsection (6) is added to section 373.413,
1561 Florida Statutes, to read:

1562 373.413 Permits for construction or alteration.—

1563 (6) It is the intent of the Legislature that the governing
1564 board or department exercise flexibility in the permitting of
1565 stormwater management systems associated with the construction
1566 or alteration of systems serving state transportation projects
1567 and facilities. Because of the unique limitations of linear
1568 facilities, the governing board or department shall balance the
1569 expenditure of public funds for stormwater treatment for state
1570 transportation projects and facilities with the benefits to the
1571 public in providing the most cost efficient and effective method
1572 of achieving the treatment objectives. In consideration thereof,
1573 the governing board or department shall allow alternatives to
1574 onsite treatment, including, but not limited to, regional
1575 stormwater treatment systems. The Department of Transportation
1576 is responsible for treating stormwater generated from state
1577 transportation projects but is not responsible for the abatement
1578 of pollutants and flows entering its stormwater management
1579 systems from offsite. However, this subsection does not prohibit
1580 the Department of Transportation from receiving and managing
1581 such pollutants and flows when it is found to be cost-effective
1582 and prudent. Further, in association with rights-of-way
1583 acquisition for state transportation projects, the Department of

1584 Transportation is responsible for providing stormwater treatment
 1585 and attenuation for additional rights-of-way, but is not
 1586 responsible for modifying permits of adjacent lands when it is
 1587 not the permittee. To accomplish this, the governing board or
 1588 department shall adopt rules for these activities.

1589 Section 27. Section 479.075, Florida Statutes, is created
 1590 to read:

1591 479.075 Sign permit fee limitations.-

1592 (1) As used in this section, the term:

1593 (a) "Sign" means any sign, wall mural, or media tower as
 1594 defined in s. 479.01 or as defined by a local government
 1595 agreement, resolution, or ordinance.

1596 (b) "Sign permit fee" means any payment required as a
 1597 condition for building, erecting, inspecting, renewing,
 1598 maintaining, operating, relocating, or reconstructing a sign or
 1599 required pursuant to any agreement, ordinance, or resolution
 1600 that includes any provision relating to the issuance of a sign
 1601 permit or otherwise authorizing the building, erection,
 1602 inspection, renewal, maintenance, operation, relocation, or
 1603 reconstruction of a sign.

1604 (2) A local government may establish by agreement,
 1605 resolution, or ordinance a sign permit fee schedule and may
 1606 assess fees for sign permits. The fee schedule must be based on
 1607 the actual cost of administering the local government sign
 1608 permitting program, the fee may not exceed the actual cost of
 1609 administering the program, and the local government shall
 1610 maintain information to justify the cost of administering the
 1611 program.

1612 (3) The provisions of this section do not apply to a sign
 1613 on property which a governmental entity has a property interest.
 1614 This section does not affect the validity of any other aspect of
 1615 any agreement, resolution, or ordinance regarding signs or
 1616 require the removal of any sign or repayment of any fees already
 1617 paid. A local government that requires the removal of a sign as
 1618 the result of the adoption of this section must adhere to the
 1619 provision of s. 70.20(2).

1620 Section 28. Section 479.106, Florida Statutes, is amended
 1621 to read:

1622 479.106 Vegetation management.—

1623 (1) The removal, cutting, or trimming of trees or
 1624 vegetation on public right-of-way to make visible or to ensure
 1625 future visibility of the facing of a proposed sign or previously
 1626 permitted sign shall be performed only with the written
 1627 permission of the department in accordance with the provisions
 1628 of this section.

1629 (2) Any person desiring to engage in the removal, cutting,
 1630 or trimming of trees or vegetation for the purposes herein
 1631 described shall apply for an appropriate permit by ~~make~~ written
 1632 application to the department. The application for a permit
 1633 shall include, at the election of the applicant, one of the
 1634 following:

1635 (a) A vegetation management plan consisting of a property
 1636 sketch indicating the onsite location of the vegetation or
 1637 individual trees to be removed, cut, or trimmed and describing
 1638 the existing conditions and proposed work to be accomplished.

1639 (b) Mitigation contribution to the Federal Grants Trust
 1640 Fund pursuant to s. 589.277(2) using values of a wholesale plant
 1641 nursery registered with the Division of Plant Industry of the
 1642 Department of Agriculture and Consumer Services.

1643 (c) A combination of both a vegetation management plan and
 1644 mitigation contribution ~~the applicant's plan for the removal,~~
 1645 ~~cutting, or trimming and for the management of any vegetation~~
 1646 ~~planted as part of a mitigation plan.~~

1647 (3) In evaluating a vegetation management plan or
 1648 mitigation contribution, the department ~~As a condition of any~~
 1649 ~~removal of trees or vegetation, and where the department deems~~
 1650 ~~appropriate as a condition of any cutting or trimming, the~~
 1651 ~~department may require a vegetation management plan, approved by~~
 1652 ~~the department, which considers conservation and mitigation, or~~
 1653 ~~contribution to a plan of mitigation, for the replacement of~~
 1654 ~~such vegetation. Each plan or contribution shall reasonably~~
 1655 evaluate the application as it relates ~~relate~~ to the vegetation
 1656 being affected by the application, taking into consideration the
 1657 condition of such vegetation, and, where appropriate, require a
 1658 vegetation management plan to consider conservation and
 1659 mitigation, or a contribution to a plan of mitigation, for the
 1660 cutting or removal of such vegetation. The department may
 1661 approve ~~shall include~~ plantings that ~~which~~ will allow reasonable
 1662 visibility of sign facings while screening sign structural
 1663 supports. Only herbicides approved by the Department of
 1664 Agriculture and Consumer Services may be used in the removal of
 1665 vegetation. The department shall act on the application for
 1666 approval of vegetation management plans, or approval of

1667 mitigation contribution, within 30 days after receipt of such
1668 application. A permit issued in response to such application is
1669 valid for 5 years, may be renewed for an additional 5 years by
1670 payment of the applicable application fee, and is binding upon
1671 the department. The department may establish special mitigation
1672 programs for the beautification and aesthetic improvement of
1673 designated areas and permit individual applicants to contribute
1674 to such programs as a part or in lieu of other mitigation
1675 requirements.

1676 (4) The department may establish an application fee not to
1677 exceed \$25 for each individual application to defer the costs of
1678 processing such application and a fee not to exceed \$200 to
1679 defer the costs of processing an application for multiple sites.

1680 (5) The department may only grant a permit pursuant to s.
1681 479.07 for a new sign which requires the removal, cutting, or
1682 trimming of existing trees or vegetation on public right-of-way
1683 for the sign face to be visible from the highway when the sign
1684 owner has removed one ~~at least two~~ nonconforming sign ~~signs~~ of
1685 approximate comparable size and surrendered the permits for the
1686 nonconforming signs to the department for cancellation. For
1687 signs originally permitted after July 1, 1996, no permit for the
1688 removal, cutting, or trimming of trees or vegetation shall be
1689 granted where such trees or vegetation are part of a
1690 beautification project implemented prior to the date of the
1691 original sign permit application, when the beautification
1692 project is specifically identified in the department's
1693 construction plans, permitted landscape projects, or agreements.

1694 (6) As a minimum, view zones shall be established along
 1695 the public rights-of-way of interstate highways, expressways,
 1696 federal-aid primary highways, and the State Highway System in
 1697 the state, excluding privately or other publicly owned property,
 1698 as follows:

1699 (a) A view zone of 350 feet for posted speed limits of 35
 1700 miles per hour or less.

1701 (b) A view zone of 500 feet for posted speed limits of
 1702 more than 35 miles per hour.

1703
 1704 The established view zone shall be within the first 1,000 feet
 1705 measured along the edge of the pavement in the direction of
 1706 approaching traffic from a point on the edge of the pavement
 1707 perpendicular to the edge of the sign facing nearest the highway
 1708 and shall be continuous unless interrupted by vegetation that
 1709 has established historical significance, is protected by state
 1710 law, or has a circumference, measured at 4 and 1/2 feet above
 1711 grade, equal to or greater than 70 percent of the circumference
 1712 of the Florida Champion of the same species as listed in the
 1713 Florida Register of Big Trees of the Florida Native Plant
 1714 Society. The sign owner may designate the specific location of
 1715 the view zone for each sign facing. In the absence of such
 1716 designation, the established view zone shall be measured from
 1717 the sign along the edge of the pavement in the direction of
 1718 approaching traffic as provided in this subsection.

1719 (7) ~~(6)~~ Beautification projects, trees, or other vegetation
 1720 shall not be planted or located in the view zone of legally
 1721 erected and permitted outdoor advertising signs which have been

1722 permitted prior to the date of the beautification project or
1723 other planting, where such planting will, at the time of
1724 planting or after future growth, screen such sign from view. The
1725 department shall provide written notice to the owner not less
1726 than 90 days before commencing a beautification project or other
1727 vegetation planting that may affect a sign, allowing such owner
1728 not less than 60 days to designate the specific location of the
1729 view zone of such affected sign. A sign owner is not required to
1730 prepare a vegetation management plan or secure a vegetation
1731 management permit for the implementation of beautification
1732 projects.

1733 ~~(a) View zones are established along the public rights-of-~~
1734 ~~way of interstate highways, expressways, federal-aid primary~~
1735 ~~highways, and the State Highway System in the state, excluding~~
1736 ~~privately or other publicly owned property, as follows:~~

1737 ~~1. A view zone of 350 feet for posted speed limits of 35~~
1738 ~~miles per hour or less.~~

1739 ~~2. A view zone of 500 feet for posted speed limits of over~~
1740 ~~35 miles per hour.~~

1741 ~~(b) The established view zone shall be within the first~~
1742 ~~1,000 feet measured along the edge of the pavement in the~~
1743 ~~direction of approaching traffic from a point on the edge of the~~
1744 ~~pavement perpendicular to the edge of the sign facing nearest~~
1745 ~~the highway and shall be continuous unless interrupted by~~
1746 ~~existing, naturally occurring vegetation. The department and the~~
1747 ~~sign owner may enter into an agreement identifying the specific~~
1748 ~~location of the view zone for each sign facing. In the absence~~
1749 ~~of such agreement, the established view zone shall be measured~~

1750 ~~from the sign along the edge of the pavement in the direction of~~
1751 ~~approaching traffic as provided in this subsection.~~

1752 (a)~~(e)~~ If a sign owner alleges any governmental entity or
1753 other party has violated this subsection, the sign owner must
1754 provide 90 days' written notice to the governmental entity or
1755 other party allegedly violating this subsection. If the alleged
1756 violation is not cured by the governmental entity or other party
1757 within the 90-day period, the sign owner may file a claim in the
1758 circuit court where the sign is located. A copy of such
1759 complaint shall be served contemporaneously upon the
1760 governmental entity or other party. If the circuit court
1761 determines a violation of this subsection has occurred, the
1762 court shall award a claim for compensation equal to the lesser
1763 of the revenue from the sign lost during the time of screening
1764 or the fair market value of the sign, and the governmental
1765 entity or other party shall pay the award of compensation
1766 subject to available appeal. Any modification or removal of
1767 material within a beautification project or other planting by
1768 the governmental entity or other party to cure an alleged
1769 violation shall not require the issuance of a permit from the
1770 Department of Transportation provided not less than 48 hours'
1771 notice is provided to the department of the modification or
1772 removal of the material. A natural person, private corporation,
1773 or private partnership licensed under part II of chapter 481
1774 providing design services for beautification or other projects
1775 shall not be subject to a claim of compensation under this
1776 section when the initial project design meets the requirements
1777 of this section.

1778 (b)~~(d)~~ This subsection shall not apply to the provisions
 1779 of any existing written agreement executed before July 1, 2006,
 1780 between any local government and the owner of an outdoor
 1781 advertising sign.

1782 (8)~~(7)~~ Any person engaging in removal, cutting, or
 1783 trimming of trees or vegetation in violation of this section or
 1784 benefiting from such actions shall be subject to an
 1785 administrative penalty of up to \$1,000 and required to mitigate
 1786 for the unauthorized removal, cutting, or trimming in such
 1787 manner and in such amount as may be required under the rules of
 1788 the department.

1789 (9)~~(8)~~ The intent of this section is to create partnering
 1790 relationships which will have the effect of improving the
 1791 appearance of Florida's highways and creating a net increase in
 1792 the vegetative habitat along the roads. Department rules shall
 1793 encourage the use of plants which are low maintenance and native
 1794 to the general region in which they are planted.

1795 Section 29. Effective upon this act becoming a law,
 1796 section 3 of chapter 2008-174, Laws of Florida, is amended to
 1797 read:

1798 Section 3. (1) School districts are encouraged to enter
 1799 into partnerships with local businesses for purposes of
 1800 mentorship opportunities, the development of employment options
 1801 and additional funding sources, and other mutual benefits.

1802 (2) As a pilot program through June 30, 2013 ~~2011~~, the
 1803 Palm Beach County school district may recognize its business
 1804 partners by publicly displaying such business partners' names on
 1805 school district property in the unincorporated areas. "Project

1806 Graduation" and athletic sponsorships are examples of
 1807 appropriate recognition. The district shall make every effort to
 1808 display its business partners' names in a manner that is
 1809 consistent with the county standards for uniformity in size,
 1810 color, and placement of signs. If the provisions of this section
 1811 are inconsistent with the county ordinances or regulations
 1812 relating to signs in the unincorporated areas or inconsistent
 1813 with chapter 125, chapter 166, or chapter 479, Florida Statutes,
 1814 the provisions of this section prevail.

1815 Section 30. Edna S. Hargrett-Thrower Avenue designated;
 1816 Department of Transportation to erect suitable markers.-

1817 (1) That portion of Orange Blossom Trail between Gore
 1818 Street and Church Street in Orange County is designated as "Edna
 1819 S. Hargrett-Thrower Avenue."

1820 (2) The Department of Transportation is directed to erect
 1821 suitable markers designating Edna S. Hargrett-Thrower Avenue as
 1822 described in subsection (1).

1823 Section 31. SP4 Thomas Berry Corbin Memorial Highway
 1824 designated; Department of Transportation to erect suitable
 1825 markers.-

1826 (1) That portion of U.S. Highway 19/27A/98/State Road 55
 1827 between the Suwannee River Bridge and N.E. 592nd Street/Chavous
 1828 Road/Kate Green Road in Dixie County is designated as "SP4
 1829 Thomas Berry Corbin Memorial Highway."

1830 (2) The Department of Transportation is directed to erect
 1831 suitable markers designating SP4 Thomas Berry Corbin Memorial
 1832 Highway as described in subsection (1).

1833 Section 32. U.S. Navy BMC Samuel Calhoun Chavous, Jr.
 1834 Memorial Highway designated; Department of Transportation to
 1835 erect suitable markers.-

1836 (1) That portion of U.S. Highway 19/98/State Road 55
 1837 between N.E. 592nd Street/Chavous Road/Kate Green Road and N.E.
 1838 170th Street in Dixie County is designated as "U.S. Navy BMC
 1839 Samuel Calhoun Chavous, Jr. Memorial Highway."

1840 (2) The Department of Transportation is directed to erect
 1841 suitable markers designating U.S. Navy BMC Samuel Calhoun
 1842 Chavous, Jr. Memorial Highway as described in subsection (1).

1843 Section 33. Marine Lance Corporal Brian R. Buesing
 1844 Memorial Highway designated; Department of Transportation to
 1845 erect suitable markers.-

1846 (1) That portion of State Road 24 between County Road 347
 1847 and Bridge Number 340053 in Levy County is designated as "Marine
 1848 Lance Corporal Brian R. Buesing Memorial Highway."

1849 (2) The Department of Transportation is directed to erect
 1850 suitable markers designating Marine Lance Corporal Brian R.
 1851 Buesing Memorial Highway as described in subsection (1).

1852 Section 34. United States Army Sergeant Karl A. Campbell
 1853 Memorial Highway designated; Department of Transportation to
 1854 erect suitable markers.-

1855 (1) That portion of U.S. Highway 19/98/State Road 55/S.
 1856 Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy
 1857 County is designated as "United States Army Sergeant Karl A.
 1858 Campbell Memorial Highway."

1859 (2) The Department of Transportation is directed to erect
 1860 suitable markers designating United States Army Sergeant Karl A.
 1861 Campbell Memorial Highway as described in subsection (1).

1862 Section 35. U.S. Army SPC James A. Page Memorial Highway
 1863 designated; Department of Transportation to erect suitable
 1864 markers.-

1865 (1) That portion of U.S. Highway 27A/State Road
 1866 500/Hathaway Avenue between State Road 24/Thrasher Drive and
 1867 Town Court in Levy County is designated as "U.S. Army SPC James
 1868 A. Page Memorial Highway."

1869 (2) The Department of Transportation is directed to erect
 1870 suitable markers designating U.S. Army SPC James A. Page
 1871 Memorial Highway as described in subsection (1).

1872 Section 36. Veterans Memorial Highway designated;
 1873 Department of Transportation to erect suitable markers.-

1874 (1) That portion of State Road 19 between U.S. Highway
 1875 17/State Road 15 and Carriage Drive in the City of Palatka in
 1876 Putnam County is designated as "Veterans Memorial Highway."

1877 (2) The Department of Transportation is directed to erect
 1878 suitable markers designating Veterans Memorial Highway as
 1879 described in subsection (1).

1880 Section 37. Ben G. Watts Highway designated; Department of
 1881 Transportation to erect suitable markers.-

1882 (1) That portion of U.S. Highway 90/State Road 10 between
 1883 the Holmes County line and the Jackson County line in Washington
 1884 County is designated as "Ben G. Watts Highway."

1885 (2) The Department of Transportation is directed to erect
 1886 suitable markers designating Ben G. Watts Highway as described
 1887 in subsection (1).

1888 Section 38. Mardi Gras Way designated; Department of
 1889 Transportation to erect suitable markers.-

1890 (1) That portion of State Road 824 between Interstate 95
 1891 and U.S. Highway 1 in Broward County is designated as "Mardi
 1892 Gras Way."

1893 (2) The Department of Transportation is directed to erect
 1894 suitable markers designating Mardi Gras Way as described in
 1895 subsection (1).

1896 Section 39. West Park Boulevard designated; Department of
 1897 Transportation to erect suitable markers.-

1898 (1) That portion of State Road 7 between Pembroke Road and
 1899 County Line Road in Broward County is designated as "West Park
 1900 Boulevard."

1901 (2) The Department of Transportation is directed to erect
 1902 suitable markers designating West Park Boulevard as described in
 1903 subsection (1).

1904 Section 40. Pembroke Park Boulevard designated; Department
 1905 of Transportation to erect suitable markers.-

1906 (1) That portion of State Road 858/Hallandale Beach
 1907 Boulevard between Interstate 95 and U.S. Highway 441/State Road
 1908 7 in Broward County is designated as "Pembroke Park Boulevard."

1909 (2) The Department of Transportation is directed to erect
 1910 suitable markers designating Pembroke Park Boulevard as
 1911 described in subsection (1).

1912 Section 41. Stark Memorial Drive designated; Department of
 1913 Transportation to erect suitable markers.-

1914 (1) That portion of State Road 101/Mayport Road between
 1915 State Road A1A and Wonderwood Connector in Duval County is
 1916 designated as "Stark Memorial Drive."

1917 (2) The Department of Transportation is directed to erect
 1918 suitable markers designating Stark Memorial Drive as described
 1919 in subsection (1).

1920 Section 42. Duval County Law Enforcement Memorial Overpass
 1921 designated; Department of Transportation to erect suitable
 1922 markers.-

1923 (1) The Interstate 295/State Road 9A overpass (Bridge
 1924 Numbers 720256 and 720347) over Interstate 10/State Road 8 in
 1925 Duval County is designated as "Duval County Law Enforcement
 1926 Memorial Overpass."

1927 (2) The Department of Transportation is directed to erect
 1928 suitable markers designating Duval County Law Enforcement
 1929 Memorial Overpass as described in subsection (1).

1930 Section 43. Verna Bell Way designated; Department of
 1931 Transportation to erect suitable markers.-

1932 (1) That portion of State Road 200 between Lime Street and
 1933 Beech Street in the City of Fernandina Beach in Nassau County is
 1934 designated as "Verna Bell Way."

1935 (2) The Department of Transportation is directed to erect
 1936 suitable markers designating Verna Bell Way as described in
 1937 subsection (1).

1938 Section 44. Deputy Hal P. Croft and Deputy Ronald Jackson
 1939 Memorial Highway designated; Department of Transportation to
 1940 erect suitable markers.—

1941 (1) That portion of State Road 100 East in Union County
 1942 between the Bradford County line and the Columbia County line is
 1943 designated as "Deputy Hal P. Croft and Deputy Ronald Jackson
 1944 Memorial Highway."

1945 (2) The Department of Transportation is directed to erect
 1946 suitable markers designating Deputy Hal P. Croft and Deputy
 1947 Ronald Jackson Memorial Highway as described in subsection (1).

1948 Section 45. Dr. Oscar Elias Biscet Boulevard designated;
 1949 Department of Transportation to erect suitable markers.—

1950 (1) That portion of Coral Way between S.W. 32nd Avenue and
 1951 S.W. 37th Avenue in Miami-Dade County is designated as "Dr.
 1952 Oscar Elias Biscet Boulevard."

1953 (2) The Department of Transportation is directed to erect
 1954 suitable markers designating Dr. Oscar Elias Biscet Boulevard as
 1955 described in subsection (1).

1956 Section 46. Alma Lee Loy Bridge designated; Department of
 1957 Transportation to erect suitable markers.—

1958 (1) Bridge Number 880077 on State Road 656 between State
 1959 Road A1A and Indian River Boulevard in the City of Vero Beach in
 1960 Indian River County is designated as "Alma Lee Loy Bridge."

1961 (2) The Department of Transportation is directed to erect
 1962 suitable markers designating Alma Lee Loy Bridge as described
 1963 subsection (1).

1964 Section 47. Section 24 of chapter 2010-230, Laws of
 1965 Florida, is amended to read:

1966 Section 24. Miss Lillie Williams Boulevard designated;
 1967 Department of Transportation to erect suitable markers.—

1968 (1) That portion of N.W. 79th Street between N.W. 6th
 1969 Avenue and N.W. 7th ~~E. 12th~~ Avenue in Miami-Dade County is
 1970 designated as "Miss Lillie Williams Boulevard."

1971 (2) The Department of Transportation is directed to erect
 1972 suitable markers designating Miss Lillie Williams Boulevard as
 1973 described in subsection (1).

1974 Section 48. Section 45 of chapter 2010-230, Laws of
 1975 Florida, is amended to read:

1976 Section 45. Father Gerard Jean-Juste Street designated;
 1977 Department of Transportation to erect suitable markers.—

1978 (1) That portion of N.W. 54th Street in Miami-Dade County
 1979 between N.W. 2nd Avenue and N.E. ~~N.W.~~ 3rd Avenue in Little Haiti
 1980 is designated "Father Gerard Jean-Juste Street."

1981 (2) The Department of Transportation is directed to erect
 1982 suitable markers designating Father Gerard Jean-Juste Street as
 1983 described in subsection (1).

1984 Section 49. Paragraph (a) of subsection (12) of section
 1985 163.3180, Florida Statutes, is amended to read:

1986 163.3180 Concurrency.—

1987 (12) (a) A development of regional impact may satisfy the
 1988 transportation concurrency requirements of the local
 1989 comprehensive plan, the local government's concurrency
 1990 management system, and s. 380.06 by payment of a proportionate-
 1991 share contribution for local and regionally significant traffic
 1992 impacts, if:

1993 1. The development of regional impact which, based on its
 1994 location or mix of land uses, is designed to encourage
 1995 pedestrian or other nonautomotive modes of transportation;

1996 2. The proportionate-share contribution for local and
 1997 regionally significant traffic impacts is sufficient to pay for
 1998 one or more required mobility improvements that will benefit a
 1999 regionally significant transportation facility;

2000 3. The owner and developer of the development of regional
 2001 impact pays or assures payment of the proportionate-share
 2002 contribution; and

2003 4. If the regionally significant transportation facility
 2004 to be constructed or improved is under the maintenance authority
 2005 of a governmental entity, as defined by s. 334.03~~(12)~~, other
 2006 than the local government with jurisdiction over the development
 2007 of regional impact, the developer is required to enter into a
 2008 binding and legally enforceable commitment to transfer funds to
 2009 the governmental entity having maintenance authority or to
 2010 otherwise assure construction or improvement of the facility.

2011
 2012 The proportionate-share contribution may be applied to any
 2013 transportation facility to satisfy the provisions of this
 2014 subsection and the local comprehensive plan, but, for the
 2015 purposes of this subsection, the amount of the proportionate-
 2016 share contribution shall be calculated based upon the cumulative
 2017 number of trips from the proposed development expected to reach
 2018 roadways during the peak hour from the complete buildout of a
 2019 stage or phase being approved, divided by the change in the peak
 2020 hour maximum service volume of roadways resulting from

2021 construction of an improvement necessary to maintain the adopted
 2022 level of service, multiplied by the construction cost, at the
 2023 time of developer payment, of the improvement necessary to
 2024 maintain the adopted level of service. For purposes of this
 2025 subsection, "construction cost" includes all associated costs of
 2026 the improvement. Proportionate-share mitigation shall be limited
 2027 to ensure that a development of regional impact meeting the
 2028 requirements of this subsection mitigates its impact on the
 2029 transportation system but is not responsible for the additional
 2030 cost of reducing or eliminating backlogs. This subsection also
 2031 applies to Florida Quality Developments pursuant to s. 380.061
 2032 and to detailed specific area plans implementing optional sector
 2033 plans pursuant to s. 163.3245.

2034 Section 50. Paragraph (k) of subsection (1) of section
 2035 163.3187, Florida Statutes, is amended to read:

2036 163.3187 Amendment of adopted comprehensive plan.—

2037 (1) Amendments to comprehensive plans adopted pursuant to
 2038 this part may be made not more than two times during any
 2039 calendar year, except:

2040 (k) A local comprehensive plan amendment directly related
 2041 to providing transportation improvements to enhance life safety
 2042 on controlled access major arterial highways identified in the
 2043 Strategic Intermodal System ~~Florida Intrastate Highway System~~,
 2044 in counties as defined in s. 125.011, where such roadways have a
 2045 high incidence of traffic accidents resulting in serious injury
 2046 or death. Any such amendment shall not include any amendment
 2047 modifying the designation on a comprehensive development plan

2048 | land use map nor any amendment modifying the allowable densities
 2049 | or intensities of any land.

2050 | Section 51. Subsection (3) of section 288.063, Florida
 2051 | Statutes, is amended to read:

2052 | 288.063 Contracts for transportation projects.-

2053 | (3) With respect to any contract executed pursuant to this
 2054 | section, the term "transportation project" means a
 2055 | transportation facility as defined in s. 334.03~~(31)~~ which is
 2056 | necessary in the judgment of the Office of Tourism, Trade, and
 2057 | Economic Development to facilitate the economic development and
 2058 | growth of the state. Except for applications received prior to
 2059 | July 1, 1996, such transportation projects shall be approved
 2060 | only as a consideration to attract new employment opportunities
 2061 | to the state or expand or retain employment in existing
 2062 | companies operating within the state, or to allow for the
 2063 | construction or expansion of a state or federal correctional
 2064 | facility in a county with a population of 75,000 or less that
 2065 | creates new employment opportunities or expands or retains
 2066 | employment in the county. The Office of Tourism, Trade, and
 2067 | Economic Development shall institute procedures to ensure that
 2068 | small and minority businesses have equal access to funding
 2069 | provided under this section. Funding for approved transportation
 2070 | projects may include any expenses, other than administrative
 2071 | costs and equipment purchases specified in the contract,
 2072 | necessary for new, or improvement to existing, transportation
 2073 | facilities. Funds made available pursuant to this section may
 2074 | not be expended in connection with the relocation of a business
 2075 | from one community to another community in this state unless the

2076 Office of Tourism, Trade, and Economic Development determines
2077 that without such relocation the business will move outside this
2078 state or determines that the business has a compelling economic
2079 rationale for the relocation which creates additional jobs.
2080 Subject to appropriation for projects under this section, any
2081 appropriation greater than \$10 million shall be allocated to
2082 each of the districts of the Department of Transportation to
2083 ensure equitable geographical distribution. Such allocated funds
2084 that remain uncommitted by the third quarter of the fiscal year
2085 shall be reallocated among the districts based on pending
2086 project requests.

2087 Section 52. Paragraph (b) of subsection (3) of section
2088 311.07, Florida Statutes, is amended to read:

2089 311.07 Florida seaport transportation and economic
2090 development funding.—

2091 (3)

2092 (b) Projects eligible for funding by grants under the
2093 program are limited to the following port facilities or port
2094 transportation projects:

2095 1. Transportation facilities within the jurisdiction of
2096 the port.

2097 2. The dredging or deepening of channels, turning basins,
2098 or harbors.

2099 3. The construction or rehabilitation of wharves, docks,
2100 structures, jetties, piers, storage facilities, cruise
2101 terminals, automated people mover systems, or any facilities
2102 necessary or useful in connection with any of the foregoing.

2103 4. The acquisition of vessel tracking systems, container
 2104 cranes, or other mechanized equipment used in the movement of
 2105 cargo or passengers in international commerce.

2106 5. The acquisition of land to be used for port purposes.

2107 6. The acquisition, improvement, enlargement, or extension
 2108 of existing port facilities.

2109 7. Environmental protection projects which are necessary
 2110 because of requirements imposed by a state agency as a condition
 2111 of a permit or other form of state approval; which are necessary
 2112 for environmental mitigation required as a condition of a state,
 2113 federal, or local environmental permit; which are necessary for
 2114 the acquisition of spoil disposal sites and improvements to
 2115 existing and future spoil sites; or which result from the
 2116 funding of eligible projects listed in this paragraph.

2117 8. Transportation facilities as defined in s. 334.03~~(31)~~
 2118 which are not otherwise part of the Department of
 2119 Transportation's adopted work program.

2120 9. Seaport intermodal access projects identified in the 5-
 2121 year Florida Seaport Mission Plan as provided in s. 311.09(3).

2122 10. Construction or rehabilitation of port facilities as
 2123 defined in s. 315.02, excluding any park or recreational
 2124 facilities, in ports listed in s. 311.09(1) with operating
 2125 revenues of \$5 million or less, provided that such projects
 2126 create economic development opportunities, capital improvements,
 2127 and positive financial returns to such ports.

2128 Section 53. Subsection (7) of section 311.09, Florida
 2129 Statutes, is amended to read:

2130 311.09 Florida Seaport Transportation and Economic
2131 Development Council.—

2132 (7) The Department of Transportation shall review the list
2133 of projects approved by the council for consistency with the
2134 Florida Transportation Plan and the department's adopted work
2135 program. In evaluating the consistency of a project, the
2136 department shall determine whether the transportation impact of
2137 the proposed project is adequately handled by existing state-
2138 owned transportation facilities or by the construction of
2139 additional state-owned transportation facilities as identified
2140 in the Florida Transportation Plan and the department's adopted
2141 work program. In reviewing for consistency a transportation
2142 facility project as defined in s. 334.03~~(31)~~ which is not
2143 otherwise part of the department's work program, the department
2144 shall evaluate whether the project is needed to provide for
2145 projected movement of cargo or passengers from the port to a
2146 state transportation facility or local road. If the project is
2147 needed to provide for projected movement of cargo or passengers,
2148 the project shall be approved for consistency as a consideration
2149 to facilitate the economic development and growth of the state
2150 in a timely manner. The Department of Transportation shall
2151 identify those projects which are inconsistent with the Florida
2152 Transportation Plan and the adopted work program and shall
2153 notify the council of projects found to be inconsistent.

2154 Section 54. Section 316.2122, Florida Statutes, is amended
2155 to read:

2156 316.2122 Operation of a low-speed vehicle or mini truck on
2157 certain roadways.—The operation of a low-speed vehicle as

2158 defined in s. 320.01(42) or a mini truck as defined in s.
2159 320.01(45) on any road ~~as defined in s. 334.03(15) or (33)~~ is
2160 authorized with the following restrictions:

2161 (1) A low-speed vehicle or mini truck may be operated only
2162 on streets where the posted speed limit is 35 miles per hour or
2163 less. This does not prohibit a low-speed vehicle or mini truck
2164 from crossing a road or street at an intersection where the road
2165 or street has a posted speed limit of more than 35 miles per
2166 hour.

2167 (2) A low-speed vehicle must be equipped with headlamps,
2168 stop lamps, turn signal lamps, taillamps, reflex reflectors,
2169 parking brakes, rearview mirrors, windshields, seat belts, and
2170 vehicle identification numbers.

2171 (3) A low-speed vehicle or mini truck must be registered
2172 and insured in accordance with s. 320.02 and titled pursuant to
2173 chapter 319.

2174 (4) Any person operating a low-speed vehicle or mini truck
2175 must have in his or her possession a valid driver's license.

2176 (5) A county or municipality may prohibit the operation of
2177 low-speed vehicles or mini trucks on any road under its
2178 jurisdiction if the governing body of the county or municipality
2179 determines that such prohibition is necessary in the interest of
2180 safety.

2181 (6) The Department of Transportation may prohibit the
2182 operation of low-speed vehicles or mini trucks on any road under
2183 its jurisdiction if it determines that such prohibition is
2184 necessary in the interest of safety.

2185 Section 55. Paragraph (c) of subsection (5) of section
 2186 316.515, Florida Statutes, is amended to read:

2187 316.515 Maximum width, height, length.—

2188 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
 2189 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

2190 (c) The width and height limitations of this section do
 2191 not apply to farming or agricultural equipment, whether self-
 2192 propelled, pulled, or hauled, when temporarily operated during
 2193 daylight hours upon a public road that is not a limited access
 2194 facility as defined in s. 334.03(13), and the width and height
 2195 limitations may be exceeded by such equipment without a permit.
 2196 To be eligible for this exemption, the equipment shall be
 2197 operated within a radius of 50 miles of the real property owned,
 2198 rented, or leased by the equipment owner. However, equipment
 2199 being delivered by a dealer to a purchaser is not subject to the
 2200 50-mile limitation. Farming or agricultural equipment greater
 2201 than 174 inches in width must have one warning lamp mounted on
 2202 each side of the equipment to denote the width and must have a
 2203 slow-moving vehicle sign. Warning lamps required by this
 2204 paragraph must be visible from the front and rear of the vehicle
 2205 and must be visible from a distance of at least 1,000 feet.

2206 Section 56. Section 318.12, Florida Statutes, is amended
 2207 to read:

2208 318.12 Purpose.—It is the legislative intent in the
 2209 adoption of this chapter to decriminalize certain violations of
 2210 chapter 316, the Florida Uniform Traffic Control Law; chapter
 2211 320, Motor Vehicle Licenses; chapter 322, Drivers' Licenses;
 2212 chapter 338, Limited Access ~~Florida Intrastate Highway System~~

2213 and Toll Facilities; and chapter 1006, Support of Learning,
 2214 thereby facilitating the implementation of a more uniform and
 2215 expeditious system for the disposition of traffic infractions.

2216 Section 57. Subsection (3) of section 335.02, Florida
 2217 Statutes, is amended to read:

2218 335.02 Authority to designate transportation facilities
 2219 and rights-of-way and establish lanes; procedure for
 2220 redesignation and relocation; application of local regulations.-

2221 (3) The department may establish standards for lanes on
 2222 the State Highway System, including the Strategic Intermodal
 2223 System highway corridors ~~Florida Intrastate Highway System~~
 2224 established pursuant to s. 339.65 ~~338.001~~. In determining the
 2225 number of lanes for any regional corridor or section of highway
 2226 on the State Highway System to be funded by the department with
 2227 state or federal funds, the department shall evaluate all
 2228 alternatives and seek to achieve the highest degree of efficient
 2229 mobility for corridor users. In conducting the analysis, the
 2230 department must give consideration to the following factors
 2231 consistent with sound engineering principles:

2232 (a) Overall economic importance of the corridor as a trade
 2233 or tourism corridor.

2234 (b) Safety of corridor users, including the importance of
 2235 the corridor for evacuation purposes.

2236 (c) Cost-effectiveness of alternative methods of
 2237 increasing the mobility of corridor users.

2238 (d) Current and projected traffic volumes on the corridor.

2239 (e) Multimodal alternatives.

2240 (f) Use of intelligent transportation technology in
 2241 increasing the efficiency of the corridor.

2242 (g) Compliance with state and federal policies related to
 2243 clean air, environmental impacts, growth management, livable
 2244 communities, and energy conservation.

2245 (h) Addition of special use lanes, such as exclusive truck
 2246 lanes, high-occupancy-vehicle toll lanes, and exclusive
 2247 interregional traffic lanes.

2248 (i) Availability and cost of rights-of-way, including
 2249 associated costs, and the most effective use of existing rights-
 2250 of-way.

2251 (j) Regional economic and transportation objectives, where
 2252 articulated.

2253 (k) The future land use plan element of local government
 2254 comprehensive plans, as appropriate, including designated urban
 2255 infill and redevelopment areas.

2256 (l) The traffic circulation element, if applicable, of
 2257 local government comprehensive plans, including designated
 2258 transportation corridors and public transportation corridors.

2259 (m) The approved metropolitan planning organization's
 2260 long-range transportation plan, as appropriate.

2261
 2262 This subsection does not preclude a number of lanes in excess of
 2263 10 lanes, but an additional factor that must be considered
 2264 before the department may determine that the number of lanes
 2265 should be more than 10 is the capacity to accommodate in the
 2266 future alternative forms of transportation within existing or
 2267 potential rights-of-way.

2268 Section 58. Section 336.01, Florida Statutes, is amended
 2269 to read:

2270 336.01 Designation of county road system.—The county road
 2271 system shall be as defined in s. 334.03~~(8)~~.

2272 Section 59. Subsection (2) of section 338.222, Florida
 2273 Statutes, is amended to read:

2274 338.222 Department of Transportation sole governmental
 2275 entity to acquire, construct, or operate turnpike projects;
 2276 exception.—

2277 (2) The department may contract with any local
 2278 governmental entity as defined in s. 334.03(13)~~(14)~~ for the
 2279 design, right-of-way acquisition, or construction of any
 2280 turnpike project which the Legislature has approved. Local
 2281 governmental entities may negotiate with the department for the
 2282 design, right-of-way acquisition, and construction of any
 2283 section of the turnpike project within areas of their respective
 2284 jurisdictions or within counties with which they have interlocal
 2285 agreements.

2286 Section 60. Paragraph (b) of subsection (1) of section
 2287 338.223, Florida Statutes, is amended to read:

2288 338.223 Proposed turnpike projects.—

2289 (1)

2290 (b) Any proposed turnpike project or improvement shall be
 2291 developed in accordance with the Florida Transportation Plan and
 2292 the work program pursuant to s. 339.135. Turnpike projects that
 2293 add capacity, alter access, affect feeder roads, or affect the
 2294 operation of the local transportation system shall be included
 2295 in the transportation improvement plan of the affected

2296 metropolitan planning organization. If such turnpike project
 2297 does not fall within the jurisdiction of a metropolitan planning
 2298 organization, the department shall notify the affected county
 2299 and provide for public hearings in accordance with s.
 2300 339.155(5)~~(6)~~(c).

2301 Section 61. Subsection (4) of section 338.227, Florida
 2302 Statutes, is amended to read:

2303 338.227 Turnpike revenue bonds.—

2304 (4) The Department of Transportation and the Department of
 2305 Management Services shall create and implement an outreach
 2306 program designed to enhance the participation of minority
 2307 persons and minority business enterprises in all contracts
 2308 entered into by their respective departments for services
 2309 related to the financing of department projects for the
 2310 Strategic Intermodal System Plan developed pursuant to s. 339.64
 2311 ~~Florida Intrastate Highway System Plan~~. These services shall
 2312 include, but not be limited to, bond counsel and bond
 2313 underwriters.

2314 Section 62. Subsection (2) of section 338.2275, Florida
 2315 Statutes, is amended to read:

2316 338.2275 Approved turnpike projects.—

2317 (2) The department is authorized to use turnpike revenues,
 2318 the State Transportation Trust Fund moneys allocated for
 2319 turnpike projects pursuant to s. 339.65 ~~s. 338.001~~, federal
 2320 funds, and bond proceeds, and shall use the most cost-efficient
 2321 combination of such funds, in developing a financial plan for
 2322 funding turnpike projects. The department must submit a report
 2323 of the estimated cost for each ongoing turnpike project and for

2324 each planned project to the Legislature 14 days before the
 2325 convening of the regular legislative session. Verification of
 2326 economic feasibility and statements of environmental feasibility
 2327 for individual turnpike projects must be based on the entire
 2328 project as approved. Statements of environmental feasibility are
 2329 not required for those projects listed in s. 12, chapter 90-136,
 2330 Laws of Florida, for which the Project Development and
 2331 Environmental Reports were completed by July 1, 1990. All
 2332 required environmental permits must be obtained before the
 2333 department may advertise for bids for contracts for the
 2334 construction of any turnpike project.

2335 Section 63. Section 338.228, Florida Statutes, is amended
 2336 to read:

2337 338.228 Bonds not debts or pledges of credit of state.—
 2338 Turnpike revenue bonds issued under the provisions of ss.
 2339 338.22-338.241 are not debts of the state or pledges of the
 2340 faith and credit of the state. Such bonds are payable
 2341 exclusively from revenues pledged for their payment. All such
 2342 bonds shall contain a statement on their face that the state is
 2343 not obligated to pay the same or the interest thereon, except
 2344 from the revenues pledged for their payment, and that the faith
 2345 and credit of the state is not pledged to the payment of the
 2346 principal or interest of such bonds. The issuance of turnpike
 2347 revenue bonds under the provisions of ss. 338.22-338.241 does
 2348 not directly, indirectly, or contingently obligate the state to
 2349 levy or to pledge any form of taxation whatsoever, or to make
 2350 any appropriation for their payment. Except as provided in ss.
 2351 ~~338.001~~, 338.223, ~~and~~ 338.2275, and 339.65, no state funds shall

2352 | be used on any turnpike project or to pay the principal or
 2353 | interest of any bonds issued to finance or refinance any portion
 2354 | of the turnpike system, and all such bonds shall contain a
 2355 | statement on their face to this effect.

2356 | Section 64. Subsection (2) of section 338.234, Florida
 2357 | Statutes, is amended to read:

2358 | 338.234 Granting concessions or selling along the turnpike
 2359 | system; immunity from taxation.—

2360 | (2) The effectuation of the authorized purposes of the
 2361 | Strategic Intermodal System, created under ss. 339.61-339.65,
 2362 | ~~Florida Intrastate Highway System~~ and Florida Turnpike
 2363 | Enterprise, created under this chapter, is for the benefit of
 2364 | the people of the state, for the increase of their commerce and
 2365 | prosperity, and for the improvement of their health and living
 2366 | conditions; and, because the system and enterprise perform
 2367 | essential government functions in effectuating such purposes,
 2368 | neither the turnpike enterprise nor any nongovernment lessee or
 2369 | licensee renting, leasing, or licensing real property from the
 2370 | turnpike enterprise, pursuant to an agreement authorized by this
 2371 | section, are required to pay any commercial rental tax imposed
 2372 | under s. 212.031 on any capital improvements constructed,
 2373 | improved, acquired, installed, or used for such purposes.

2374 | Section 65. Subsections (1) and (3) of section 339.2819,
 2375 | Florida Statutes, are amended to read:

2376 | 339.2819 Transportation Regional Incentive Program.—

2377 | (1) There is created within the Department of
 2378 | Transportation a Transportation Regional Incentive Program for
 2379 | the purpose of providing funds to improve regionally significant

2380 transportation facilities in regional transportation areas
 2381 created pursuant to s. 339.155(4)~~(5)~~.

2382 (3) The department shall allocate funding available for
 2383 the Transportation Regional Incentive Program to the districts
 2384 based on a factor derived from equal parts of population and
 2385 motor fuel collections for eligible counties in regional
 2386 transportation areas created pursuant to s. 339.155(4)~~(5)~~.

2387 Section 66. Subsection (6) of section 339.285, Florida
 2388 Statutes, is amended to read:

2389 339.285 Enhanced Bridge Program for Sustainable
 2390 Transportation.—

2391 (6) Preference shall be given to bridge projects located
 2392 on corridors that connect to the Strategic Intermodal System,
 2393 created under s. 339.64, and that have been identified as
 2394 regionally significant in accordance with s. 339.155(4)~~(5)~~(c),
 2395 (d), and (e).

2396 Section 67. Section 339.62, Florida Statutes, is amended
 2397 to read:

2398 339.62 System components.—The Strategic Intermodal System
 2399 shall consist of appropriate components of:

2400 (1) Highway corridors ~~The Florida Intrastate Highway~~
 2401 ~~System~~ established under s. 339.65 ~~s. 338.001~~.

2402 (2) The National Highway System.

2403 (3) Airport, seaport, and spaceport facilities.

2404 (4) Rail lines and rail facilities.

2405 (5) Selected intermodal facilities; passenger and freight
 2406 terminals; and appropriate components of the State Highway
 2407 System, county road system, city street system, inland

2408 waterways, and local public transit systems that serve as
 2409 existing or planned connectors between the components listed in
 2410 subsections (1)-(4).

2411 (6) Other existing or planned corridors that serve a
 2412 statewide or interregional purpose.

2413 Section 68. Subsection (2) of section 341.053, Florida
 2414 Statutes, is amended to read:

2415 341.053 Intermodal Development Program; administration;
 2416 eligible projects; limitations.—

2417 (2) In recognition of the department's role in the
 2418 economic development of this state, the department shall develop
 2419 a proposed intermodal development plan to connect Florida's
 2420 airports, deepwater seaports, rail systems serving both
 2421 passenger and freight, and major intermodal connectors to the
 2422 Strategic Intermodal System highway corridors ~~Florida Intrastate~~
 2423 ~~Highway System facilities~~ as the primary system for the movement
 2424 of people and freight in this state in order to make the
 2425 intermodal development plan a fully integrated and
 2426 interconnected system. The intermodal development plan must:

2427 (a) Define and assess the state's freight intermodal
 2428 network, including airports, seaports, rail lines and terminals,
 2429 intercity bus lines and terminals, and connecting highways.

2430 (b) Prioritize statewide infrastructure investments,
 2431 including the acceleration of current projects, which are found
 2432 by the Freight Stakeholders Task Force to be priority projects
 2433 for the efficient movement of people and freight.

2434 (c) Be developed in a manner that will assure maximum use
 2435 of existing facilities and optimum integration and coordination

2436 of the various modes of transportation, including both
 2437 government-owned and privately owned resources, in the most
 2438 cost-effective manner possible.

2439 Section 69. Subsection (2) of section 341.8225, Florida
 2440 Statutes, is amended to read:

2441 341.8225 Department of Transportation sole governmental
 2442 entity to acquire, construct, or operate high-speed rail
 2443 projects; exception.—

2444 (2) Local governmental entities, as defined in s.
 2445 334.03 (13) ~~(14)~~, may negotiate with the department for the
 2446 design, right-of-way acquisition, and construction of any
 2447 component of the high-speed rail system within areas of their
 2448 respective jurisdictions or within counties with which they have
 2449 interlocal agreements.

2450 Section 70. Paragraph (a) of subsection (2) of section
 2451 403.7211, Florida Statutes, is amended to read:

2452 403.7211 Hazardous waste facilities managing hazardous
 2453 wastes generated offsite; federal facilities managing hazardous
 2454 waste.—

2455 (2) The department shall not issue any permit under s.
 2456 403.722 for the construction, initial operation, or substantial
 2457 modification of a facility for the disposal, storage, or
 2458 treatment of hazardous waste generated offsite which is proposed
 2459 to be located in any of the following locations:

2460 (a) Any area where life-threatening concentrations of
 2461 hazardous substances could accumulate at any residence or
 2462 residential subdivision as the result of a catastrophic event at
 2463 the proposed facility, unless each such residence or residential

2464 subdivision is served by at least one arterial road or urban
 2465 minor arterial road, as determined under the procedures
 2466 referenced in s. 334.03(9) ~~defined in s. 334.03~~, which provides
 2467 safe and direct egress by land to an area where such life-
 2468 threatening concentrations of hazardous substances could not
 2469 accumulate in a catastrophic event. Egress by any road leading
 2470 from any residence or residential subdivision to any point
 2471 located within 1,000 yards of the proposed facility is unsafe
 2472 for the purposes of this paragraph. In determining whether
 2473 egress proposed by the applicant is safe and direct, the
 2474 department shall also consider, at a minimum, the following
 2475 factors:

- 2476 1. Natural barriers such as water bodies, and whether any
 2477 road in the proposed evacuation route is impaired by a natural
 2478 barrier such as a water body;
- 2479 2. Potential exposure during egress and potential
 2480 increases in the duration of exposure;
- 2481 3. Whether any road in a proposed evacuation route passes
 2482 in close proximity to the facility; and
- 2483 4. Whether any portion of the evacuation route is
 2484 inherently directed toward the facility.

2485
 2486 For the purposes of this subsection, all distances shall be
 2487 measured from the outer limit of the active hazardous waste
 2488 management area. "Substantial modification" includes: any
 2489 physical change in, change in the operations of, or addition to
 2490 a facility which could increase the potential offsite impact, or
 2491 risk of impact, from a release at that facility; and any change

2492 in permit conditions which is reasonably expected to lead to
 2493 greater potential impacts or risks of impacts, from a release at
 2494 that facility. "Substantial modification" does not include a
 2495 change in operations, structures, or permit conditions which
 2496 does not substantially increase either the potential impact
 2497 from, or the risk of, a release. Physical or operational changes
 2498 to a facility related solely to the management of nonhazardous
 2499 waste at the facility shall not be considered a substantial
 2500 modification. The department shall, by rule, adopt criteria to
 2501 determine whether a facility has been substantially modified.
 2502 "Initial operation" means the initial commencement of operations
 2503 at the facility.

2504 Section 71. Subsection (27) of section 479.01, Florida
 2505 Statutes, is amended to read:

2506 479.01 Definitions.—As used in this chapter, the term:
 2507 (27) "Urban area" has the same meaning as defined in s.
 2508 334.03~~(29)~~.

2509 Section 72. Subsection (1) of section 479.07, Florida
 2510 Statutes, is amended to read:

2511 479.07 Sign permits.—

2512 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
 2513 person may not erect, operate, use, or maintain, or cause to be
 2514 erected, operated, used, or maintained, any sign on the State
 2515 Highway System outside an urban area, as defined in s.
 2516 334.03~~(32)~~, or on any portion of the interstate or federal-aid
 2517 primary highway system without first obtaining a permit for the
 2518 sign from the department and paying the annual fee as provided
 2519 in this section. As used in this section, the term "on any

2520 | portion of the State Highway System, interstate, or federal-aid
 2521 | primary system" means a sign located within the controlled area
 2522 | which is visible from any portion of the main-traveled way of
 2523 | such system.

2524 | Section 73. Subsection (5) of section 479.261, Florida
 2525 | Statutes, is amended to read:

2526 | 479.261 Logo sign program.—

2527 | (5) At a minimum, permit fees for businesses that
 2528 | participate in the program must be established in an amount
 2529 | sufficient to offset the total cost to the department for the
 2530 | program, including contract costs. The department shall provide
 2531 | the services in the most efficient and cost-effective manner
 2532 | through department staff or by contracting for some or all of
 2533 | the services. The department shall adopt rules that set
 2534 | reasonable rates based upon factors such as population, traffic
 2535 | volume, market demand, and costs for annual permit fees.
 2536 | However, annual permit fees for sign locations inside an urban
 2537 | area, as defined in s. 334.03~~(32)~~, may not exceed \$3,500, and
 2538 | annual permit fees for sign locations outside an urban area, as
 2539 | defined in s. 334.03~~(32)~~, may not exceed \$2,000. After
 2540 | recovering program costs, the proceeds from the annual permit
 2541 | fees shall be deposited into the State Transportation Trust Fund
 2542 | and used for transportation purposes.

2543 | Section 74. Paragraph (b) of subsection (3) of section
 2544 | 20.23, Florida Statutes, is amended to read:

2545 | 20.23 Department of Transportation.—There is created a
 2546 | Department of Transportation which shall be a decentralized
 2547 | agency.

2548 (3) There is created the Florida Statewide Passenger Rail
 2549 Commission.

2550 (b) The commission shall have the primary and exclusive
 2551 functions of:

2552 1. Monitoring the efficiency, productivity, and management
 2553 of all publicly funded passenger rail systems in the state,
 2554 including, but not limited to, any authority created under
 2555 chapter 343, chapter 349, or chapter 163 if the authority
 2556 receives public funds for providing ~~the provision of~~ passenger
 2557 rail service. The commission shall advise each monitored
 2558 authority of its findings and recommendations. The commission
 2559 shall also conduct periodic reviews of each monitored
 2560 authority's passenger rail and associated transit operations and
 2561 budget, acquisition of property, management of revenue and bond
 2562 proceeds, and compliance with applicable laws and generally
 2563 accepted accounting principles. The commission may seek the
 2564 assistance of the Florida Transportation Commission Auditor
 2565 ~~General~~ in conducting such reviews and shall report the findings
 2566 of such reviews to the Legislature. ~~This paragraph does not~~
 2567 ~~preclude the Florida Transportation Commission from conducting~~
 2568 ~~its performance and work program monitoring responsibilities.~~

2569 2. Advising the department on policies and strategies used
 2570 in planning, designing, building, operating, financing, and
 2571 maintaining a coordinated statewide system of passenger rail
 2572 services.

2573 3. Evaluating passenger rail policies and providing advice
 2574 and recommendations to the Legislature on passenger rail
 2575 operations in the state.

2576 Section 75. Subsection (13) is added to section 311.09,
 2577 Florida Statutes, to read:

2578 311.09 Florida Seaport Transportation and Economic
 2579 Development Council.—

2580 (13) Until July 1, 2014, Citrus County may apply for a
 2581 grant through the Florida Seaport Transportation and Economic
 2582 Development Council to perform a feasibility study regarding the
 2583 establishment of a port in Citrus County. The council shall
 2584 evaluate such application in accordance with subsections (5)-(9)
 2585 and, if approved, the Department of Transportation shall include
 2586 the feasibility study in its budget request pursuant to
 2587 subsection (10).

2588 Section 76. Paragraph (d) of subsection (1) of section
 2589 212.055, Florida Statutes, is amended to read:

2590 212.055 Discretionary sales surtaxes; legislative intent;
 2591 authorization and use of proceeds.—It is the legislative intent
 2592 that any authorization for imposition of a discretionary sales
 2593 surtax shall be published in the Florida Statutes as a
 2594 subsection of this section, irrespective of the duration of the
 2595 levy. Each enactment shall specify the types of counties
 2596 authorized to levy; the rate or rates which may be imposed; the
 2597 maximum length of time the surtax may be imposed, if any; the
 2598 procedure which must be followed to secure voter approval, if
 2599 required; the purpose for which the proceeds may be expended;
 2600 and such other requirements as the Legislature may provide.
 2601 Taxable transactions and administrative procedures shall be as
 2602 provided in s. 212.054.

2603 (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM

2604 SURTAX.—

2605 (d) Proceeds from the surtax shall be applied to as many
 2606 or as few of the uses enumerated below in whatever combination
 2607 the county commission deems appropriate:

2608 1. Deposited by the county in the trust fund and shall be
 2609 used for the purposes of development, construction, equipment,
 2610 maintenance, operation, supportive services, including a
 2611 countywide bus system, on-demand transportation services, and
 2612 related costs of a fixed guideway rapid transit system;

2613 2. Remitted by the governing body of the county to an
 2614 expressway, transit, or transportation authority created by law
 2615 to be used, at the discretion of such authority, for the
 2616 development, construction, operation, or maintenance of roads or
 2617 bridges in the county, for the operation and maintenance of a
 2618 bus system, for the operation and maintenance of on-demand
 2619 transportation services, for the payment of principal and
 2620 interest on existing bonds issued for the construction of such
 2621 roads or bridges, and, upon approval by the county commission,
 2622 such proceeds may be pledged for bonds issued to refinance
 2623 existing bonds or new bonds issued for the construction of such
 2624 roads or bridges;

2625 3. Used by the county for the development, construction,
 2626 operation, and maintenance of roads and bridges in the county;
 2627 for the expansion, operation, and maintenance of bus and fixed
 2628 guideway systems; for the expansion, operation, and maintenance
 2629 of on-demand transportation services; and for the payment of
 2630 principal and interest on bonds issued for the construction of
 2631 fixed guideway rapid transit systems, bus systems, roads, or

2632 bridges; and such proceeds may be pledged by the governing body
 2633 of the county for bonds issued to refinance existing bonds or
 2634 new bonds issued for the construction of such fixed guideway
 2635 rapid transit systems, bus systems, roads, or bridges and no
 2636 more than 25 percent used for nontransit uses; and

2637 4. Used by the county for the planning, development,
 2638 construction, operation, and maintenance of roads and bridges in
 2639 the county; for the planning, development, expansion, operation,
 2640 and maintenance of bus and fixed guideway systems; for the
 2641 planning, development, construction, operation, and maintenance
 2642 of on-demand transportation services; and for the payment of
 2643 principal and interest on bonds issued for the construction of
 2644 fixed guideway rapid transit systems, bus systems, roads, or
 2645 bridges; and such proceeds may be pledged by the governing body
 2646 of the county for bonds issued to refinance existing bonds or
 2647 new bonds issued for the construction of such fixed guideway
 2648 rapid transit systems, bus systems, roads, or bridges. Pursuant
 2649 to an interlocal agreement entered into pursuant to chapter 163,
 2650 the governing body of the county may distribute proceeds from
 2651 the tax to a municipality, or an expressway or transportation
 2652 authority created by law to be expended for the purpose
 2653 authorized by this paragraph. Any county that has entered into
 2654 interlocal agreements for distribution of proceeds to one or
 2655 more municipalities in the county shall revise such interlocal
 2656 agreements as necessary for the sole purpose of including ~~no~~
 2657 ~~less than every 5 years in order to include~~ any municipalities
 2658 that have been created during the immediately preceding year,
 2659 provided that any funds distributed to a new municipality must

2660 come from funds otherwise retained and used by the charter
 2661 county, must be on a pro rata basis with the allocation of funds
 2662 to the previously existing municipalities, and must not reduce
 2663 the percentage allocation to the previously existing
 2664 municipalities. Notwithstanding the foregoing, the first
 2665 revision of interlocal agreements pursuant to this subparagraph
 2666 shall include any municipality that has been created since the
 2667 surtax was adopted by the charter county. Any charter county
 2668 that seeks to terminate or substantially modify the distribution
 2669 of funds to municipalities may do so only pursuant to approval
 2670 by a majority vote of the electorate of the county ~~since the~~
 2671 ~~prior interlocal agreements were executed.~~

2672 Section 77. Subsection (5) of section 316.613, Florida
 2673 Statutes, is renumbered as subsection (6) and a new subsection
 2674 (5) is added to that section to read:

2675 316.613 Child restraint requirements.—

2676 (5) The child restraint requirements imposed by this
 2677 section do not apply to a chauffeur-driven taxi, limousine,
 2678 sedan, van, bus, motor coach, or other passenger vehicle if the
 2679 operator and the motor vehicle are hired and used for the
 2680 transportation of persons for compensation. It is the obligation
 2681 and responsibility of the parent, guardian, or other person
 2682 responsible for a child's welfare, as defined in s. 39.01(47),
 2683 to comply with the requirements of this section.

2684 Section 78. Except as otherwise expressly provided in this
 2685 act and except for this section, which shall take effect upon
 2686 this act becoming a law, this act shall take effect July 1,
 2687 2011.